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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination and Protection of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION

Geneva, 3-28 August 1992

Rapporteur: Mr. Marc Bossuyt

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I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS FOR ITS ATTENTION, ACTION OR CONSIDERATION

A. Draft resolutions

I. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Commission on Human Rights,

Recalling its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

Recalling also its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

Recalling further Sub-Commission resolutions 1990/1 and 1990/2 of 20 August 1990, and 1992/5 of 21 August 1992,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that despite the efforts thus far of the international community the principal objectives of the decades to combat racism have not been attained, and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Concerned that despite these efforts racism and acts of violence resulting therefrom persist and are even increasing in a number of countries in North America and Europe,

Concerned also that in many parts of the world ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them, _Convinced_, however, that racism and racial discrimination, in whatever form, are intensified by, _inter alia_, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (E/CN.4/Sub.2/1992/11),

1. _Takes note with appreciation_ of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world;

2. _Recommends_ that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

3. _Emphasizes_ the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other minority and vulnerable groups;

4. _Confirms_ the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

5. _Recognizes_ the important role that can be played in this regard by the Sub-Commission, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

6. _Welcomes_ the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

7. _Recognizes_ the importance of activities aimed at directly assisting minority and vulnerable groups to strengthen their participation in national economic, social and political life;

8. Appeals to all Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

10. Decides to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination and xenophobia in the light of recent trends in many countries of the world and requests the Special Rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

11. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

12. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/... of ... February 1993, approves the Commission's decision to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform [his/her] functions, especially in carrying out missions and following them up. The Council further approves the Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session.

[See chap. II, sect. A, resolution 1992/5
and chap VI.]

II. Monitoring the transition to democracy in South Africa

The Commission on Human Rights,

Taking note of resolution 1992/6 of 21 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its resolution 1992/3 of 20 July 1992, Noting the statement of the Special Rapporteur, Mr. Ahmed Khalifa, in presenting his last report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the list of institutions giving support to the South African regime should be discontinued,

Noting also that it is of paramount importance to monitor the process towards democracy and social justice in South Africa,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his considerable contribution to the cause of eliminating the policy of apartheid;

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how this problem is being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them;

4. Requests the Secretary-General to extend to the Special Rapporteur all the assistance that she may require in the exercise of her mandate.

[See chap. II, sect. A, resolution 1992/6 and chap. VI.]

III. Forced evictions

The Commission on Human Rights,

Recalling resolution 1991/12 of 26 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Also recalling its resolution 1992/10 of 2 February 1992, in which it took note with particular interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) adopted on 12 December 1991 by the Committee on Economic, Social and Cultural Rights at its sixth session and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and in inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors, including, but not limited to, national Governments, local governments, developers, planners, landlords, property speculators, and bilateral and international financial institutions and aid agencies,

Emphasizing that ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 on international technical assistance measures (1990), adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which, inter alia, involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation,

Mindful of the questions concerning forced evictions included in the guidelines for States' reports (E/1991/23, annex IV) submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4, considered that instances of forced evictions were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law, _Taking note_ of the observations of the Committee on Economic, Social and Cultural Rights at its fifth (1990) and sixth (1991) sessions concerning forced evictions,

Taking note also of the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper on the right to adequate housing, prepared by Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15),

Taking note further of Sub-Commission resolution 1992/14 of 27 August 1992,

1. _Affirms_ that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing;

2. _Urges_ Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced evictions;

3. _Also urges_ Governments to confer legal security of tenure to all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. _Recommends_ that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities which have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. _Requests_ the Secretary-General to transmit the present resolution to Governments, relevant United Nations bodies, including the United Nations Centre on Human Settlements, the specialized agencies, regional and intergovernmental organizations, and non-governmental organizations and community-based organizations, soliciting their views and comments;

6. _Also requests_ the Secretary-General to compile an analytical report on the practice of forced evictions, based on an analysis of international law and jurisprudence and information submitted in accordance with the previous paragraph, and to submit his report to the Commission at its fiftieth session;

7. _Decides_ to consider the analytical report at its fiftieth session, under item 12, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", and to determine how most effectively to continue its consideration of the issue of forced evictions.

[See chap. II, sect. A, resolution 1992/14 and chap. VII.]

IV. Question of human rights and states of emergency

The Commission on Human Rights,

Noting resolution 1992/22 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Recommends the inclusion in the agenda of the forthcoming World Conference on Human Rights of an item, entitled "Strengthening of protection of human rights during states of emergency";

2. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/... of ... February 1993 and of resolution 1992/22 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights, and

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

[See chap. II, sect. A, resolution 1992/22 and chap. XI.]

V. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for perpetrators of violations of human rights in various regions of the world is a fundamental obstacle to the observance of human rights,

Recalling the comments that have been made for a number of years on this subject by, in particular, the Working Group on Enforced or Involuntary

Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the special rapporteur on the question of torture, and by the special rapporteurs of the Sub-Commission,

1. *Takes note with satisfaction* of the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to decision 1991/110 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. *Endorses* the Sub-Commission's decision to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice;

3. *Requests* the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task;

4. *Recommends* the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/... of ... February 1993, approves the decision of the Commission to endorse the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights in accordance with Sub-Commission resolution 1992/23 of 27 August 1992, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task.

[See chap. II, sect. A, resolution 1992/23 and chap. XI]

VI. Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

The Commission on Human Rights,

Taking into account resolution 1992/24 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having examined the final report of the Special Rapporteur, Mrs. Mary Concepción Bautista, on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19),

1. *Expresses its appreciation* to the Special Rapporteur for her final report on the protection of the human rights of United Nations staff members, experts and their families;

2. Requests the Secretary-General to take steps aimed at ensuring the application without delay of all the recommendations contained in the report;

3. Requests the existing human rights machinery, including the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of their respective reports to the Secretary-General for inclusion in his report to the Commission on Human Rights under item 10 of its agenda;

4. Requests the Secretary-General to present a report annually to the Third Committee of the General Assembly on the implementation of the protection measures and on redress for the possible harm caused.

[See chap. II, sect. A, resolution 1992/24 and chap. XI]

VII. Human rights and extreme poverty

The Commission on Human Rights,

Recalling its resolution 1992/11 of 21 February 1992,

Endorsing resolution 1992/27 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/... of ... 1993 and resolution 1992/27 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Human rights and extreme poverty",

1. Approves the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this subject on the basis of the aspects set out by the Commission on Human Rights in its resolutions 1989/10 of 2 March 1989, 1990/15 of 23 February 1990 and 1991/14 of 22 February 1991, bearing particularly in mind the approach defined in Commission resolution 1992/11 of 21 February 1992;

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, specialized

agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. Also requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, including, as appropriate, assistance from consultants with specialized knowledge of the subject.

[See chap. II, sect. A, resolution 1992/27 and chap. IX.]

VIII. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolutions 1992/33 of 28 February 1992, 1991/39 of 5 March 1991, 1990/33 of 2 March 1990 and 1989/32 of 6 March 1989,

Recalling also General Assembly resolution 45/166 of 18 December 1990 welcoming the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders and inviting Governments to respect them and take them into account within the framework of their national legislation and practice,

Taking note of General Assembly resolution 46/120 of 17 December 1991 in which the Assembly, welcoming the recommendations contained in the first report of the Special Rapporteur (E/CN.4/Sub.2/1991/30 and Add.1-4) and endorsed by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and also welcoming the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a further report, reaffirmed the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice,

Having examined the report on the independence of the judiciary and the protection of practising lawyers prepared by the Special Rapporteur pursuant to Sub-Commission resolution 1991/35 of 29 August 1991 (E/CN.4/Sub.2/1992/25 and Add.1),

1. Welcomes the recommendations contained in the report of the Special Rapporteur on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1992/25/Add.1) and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/38 of 28 August 1992;

2. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report:

(a) To bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards;

(b) To propose specific recommendations regarding the independence of the judiciary and the protection of practising lawyers to be taken into account in the advisory services and technical assistance programmes and projects of the United Nations and, in that regard, to follow up the recommendations contained in his first report (E/CN.4/Sub.2/1991/30 and Add.1-4);

(c) To examine the ways and means of enhancing cooperation and avoiding overlapping and duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(d) To elaborate on the recommendation contained in his report;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/... of ... February 1993, endorses the decision of the Commission to approve the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, as described in Sub-Commission resolution 1992/38, and approves the request of the Commission to the Secretary-General to give him the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1992/38 and chap. XII.]

B. Draft decisions

1. Report on the Working Group on Contemporary Forms of Slavery

The Commission on Human Rights, noting resolution 1992/2 of 14 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests of the Sub-Commission that:

(a) The Commission on Human Rights authorize the Sub-Commission to consider the possibility of appointing a special rapporteur to update Mr. Abdelwahab Bouhdiba's report on the exploitation of child labour (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session in 1981, and to extend that study to the problem of debt bondage;

(b) The Secretary-General invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and extend a similar invitation to States which have not ratified the conventions on forced labour of the International Labour Organisation;

(c) The Secretary-General, when preparing his next report on the status and implementation of the international conventions on slavery, include a list of States which have not yet signed, ratified or acceded to those instruments.

The Commission further endorses the recommendation of the Sub-Commission that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery as contained in decision 1992/115 of 3 March 1992 of the Commission, be repeated in subsequent years.

[See chap. II, sect. A, resolution 1992/2 and chap. XVII.]

2. Detention on Bougainville

The Commission on Human Rights, noting resolution 1992/19 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to the Special Rapporteur on the study of treaties, agreements and other constructive arrangements between States and indigenous populations to include the case of the agreements entered into between the indigenous people of Bougainville and the Government of Papua New Guinea in his report.

[See chap. II, sect. A, resolution 1992/19 and chap. VII.]

3. Right to a fair trial

The Commission on Human Rights, noting resolution 1992/21 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expresses its appreciation to the Special Rapporteur, Mr. Stanislav Chernichenko and Mr. William Treat, for their continued work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", endorses the request to the Special Rapporteurs to continue their study and recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, recalling its decision 1992/230 of 20 July 1992, approves the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to continue their study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", as described in Sub-Commission resolution 1992/21 of 27 August 1992, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary for the completion of their task.

[See chap. II, sect. A, resolution 1992/21 and chap. XI.]

4. Application of international standards concerning the human rights of detained juveniles

The Commission on Human Rights, noting resolution 1992/25 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which the Sub-Commission welcomed the proposal of the Secretary-General, contained in his note (E/CN.4/Sub.2/1992/20/Add.1), to organize, in March 1993, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social and Development and Humanitarian Affairs on the application of the international standards concerning the human rights of detained juveniles, endorses the request of the Sub-Commission to the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts.

[See chap. II. sect. A, resolution 1992/25 and chap. XI.]

5. Promoting the realization of the right to adequate housing

The Commission on Human Rights, noting resolution 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on this issue. The Commission also endorses the request that the Special Rapporteur submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made in the discussion of his working paper (E/CN.4/Sub.2/1992/15) at its forty-fourth session. The Commission further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his study and to compile and analyse the information and documents collected.

[See chap. II. sect. A, resolution 1992/26
and chap. IX.]

6. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Commission on Human rights, noting resolution 1992/28 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities endorese the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and requests the Secretary-General to give the Special Rapporteurs all the assistance for their task.

[see chap. II, sect. A, Resolution 1992/28
and chap.IV.]

7. Human rights and the environment

The Commission on Human Rights, noting resolution 1992/31 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to Ms. Fatma Zohra Ksentini, Special Rapporteur on human rights and the environment, to prepare a second progress report containing additional information on and an analysis of decisions and views of Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations, as well as information on and an analysis of national law and practice. The Commission further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study and the necessary assistance to compile and analyse the information and documents collected.

[see chap. II, sect. A, Resolution 1992/31
and chap. V.]

8. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Commission on Human Rights, noting resolution 1992/32 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to continue his study, taking into account, *inter alia*, the comments made in the discussion on the preliminary and progress reports (E/CN.4/Sub.2/1990/10, E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8) and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms. The Commission further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

[See chap. II, sect. A, resolution 1992/32
and chap. V.]

9. Draft universal declaration on indigenous peoples

The Commission on Human Rights, noting resolution 1992/33 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council:

(a) That it approve the publication of the reports and recommendations of the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples (E/CN.4/1992/42) and the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples and the Environment (E/CN.4/Sub.2/1992/31) as part of the World Public Information Campaign for Human Rights;

(b) That it authorize the Working Group on Indigenous Populations to meet for 10 working days prior to the forty-fifth session of the Sub-Commission for the purpose of completing the second reading of the draft declaration on the rights of indigenous peoples, and that these meetings be provided with interpretation services; that members of the Working Group meet in closed session for five days prior to the eleventh session of the Working Group in order to consider the comments and suggestions received from Governments, indigenous peoples, intergovernmental and non-governmental organizations, and to review the structure of the draft declaration and identify remaining difficulties, gaps or ambiguities in the text and that the reports of the tenth and future sessions of the Working Group be issued as sales publications to ensure that they are given the widest possible distribution;

(c) That it recommend to the General Assembly that the United Nations Voluntary Fund for Indigenous Populations be authorized, as a secondary priority, to assist indigenous participation in other relevant United Nations meetings, such as meetings of human rights treaty bodies or working groups which might be created by the Commission on Human Rights for further consideration of the draft declaration on the rights of indigenous peoples.

[see chap. II, sect A, resolution 1992/33
and chap. XVI.]

10. International Year for the World's Indigenous People

The Commission on Human Rights, noting resolution 1992/34 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to authorize the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene Daes, to represent it at the opening ceremonies for the International Year for the World's Indigenous People in New York and the recommendation of the Sub-Commission that Ms. Christy Mbonu to be invited to participate in those ceremonies.

[See chap II, sect. A, resolution 1992/34
and chap. XVI.]

11. Study of the issue of the privatization of prisons

The Commission on Human Rights, noting decision 1992/107 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to Ms. Claire Palley to prepare, without financial implications, an outline of the possible utility, scope and structure of a special study which may be undertaken on the issue of privatization of prisons, to be submitted to the Working Group on Detention and to the Sub-Commission at its forty-fifth session, and its request to the Secretary-General to provide Ms. Palley with all possible assistance for the completion of her task.

[See chap. II, sect. B, decision 1992/107
and chap. XI.]

12. Final report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

The Commission on Human Rights, noting decision 1992/108 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to the Special Rapporteur to complete his work and to submit his final report to the Sub-Commission at its forty-fifth session, and its request to the Secretary-General to give the Special Rapporteur any assistance he may require to accomplish his work.

[See chap. II, sect. B, decision 1992/108
and chap. V.]

13. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, noting decision 1992/110 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to the Special Rapporteur to submit a second progress report on the study to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session. The Commission also endorses the decision of the Sub-Commission to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights, and decides to recommend to the Economic and Social Council that it endorse this request.

[See chap. II, sect. B, decision 1992/110
and chap. XVI.]

C. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

Resolutions

1992/2.	Report of the Working Group on Contemporary Forms of Slavery	operative paras. 9 and 33
1992/4.	Discrimination against women	operative para. 1
1992/5.	Measures to combat racism and racial discrimination and the role of the Sub-Commission	operative paras. 2, 3 and 4
1992/8.	Methods of work of the Sub-Commission	operative para. 2 and Annex
1992/15.	Situation of human rights in the Islamic Republic of Iran	operative para. 3
1992/16.	Situation of human rights in Haiti	operative para. 5
1992/17.	Situation in Cambodia	operative paras. 3 and 7
1992/18.	Situation of human rights in Guatemala	operative para. 9
1992/20.	Situation in East Timor	operative para. 4
1992/22.	Question of human rights and states of emergency	operative para. 7
1992/29.	Realization of economic, social and cultural rights	operative para. 10
1992/33.	Draft universal declaration on indigenous peoples	operative para. 15
1992/39.	Arms production and trade and human rights violations	operative paras. 5 and 6
1992/109.	Definition of gross and large-scale violations of human rights as an international crime	

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FOURTH SESSION

A. Resolutions

1992/1. Encouragement of universal acceptance of human rights instruments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1 B (XXXII) of 5 September 1979, 19 (XXXIV) of 10 September 1981, 1982/3 of 7 September 1982, 1983/27 of 6 September 1983, 1984/36 of 30 August 1984, 1985/5 of 27 August 1985, 1988/30 of 1 September 1988, 1990/24 of 31 August 1990 and its decision 2 (XXXIII) of 11 September 1980 on the encouragement of universal acceptance of human rights instruments,

Having considered the note by the Secretary-General (E/CN.4/Sub.2/1992/27) relating to communications with Member States concerning the ratification of, or accession to, the relevant human rights instruments, and developments in that regard since the forty-second session of the Sub-Commission,

Convinced that attaining universal acceptance and implementation of international instruments in the field of human rights is of primary importance for the protection and promotion of human rights,

1. Takes note with appreciation of the ratification or accession by several States to the instruments contained in the list of human rights instruments under paragraph 1 of its resolution 1 B (XXXII), as complemented by its resolutions 1982/3, 1983/27, 1984/36 and 1985/5;

2. Decides to include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in the list of human rights instruments;

3. Expresses its appreciation for the programme of advisory services in the field of human rights by which ratifications of, or accessions to, the international instruments on human rights have been accelerated;

4. Requests the Secretary-General further to promote the programme of advisory services so that practical assistance in the process of ratification and implementation of international instruments on human rights is available for those States which indicate a need for such assistance;

5. Requests the Secretary-General to renew the invitation for submission of information contained in his earlier notes verbales to the Governments of Member States which have not yet replied to those

communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not ratified;

6. Also requests the Secretary-General to continue holding informal discussions concerning prospects for ratification of human rights instruments with government delegations on such occasions as the sessions of the General Assembly and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the First Optional Protocol to that Covenant, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

7. Further requests the Secretary-General to continue to inform the Sub-Commission, as appropriate, on his endeavours under the present resolution and to update the table containing a country-by-country record of developments which have taken place in connection with the ratification of, or accession to, the human rights instruments included in the terms of reference of the Sub-Commission;

8. Decides to request the Chairman of the Sub-Commission to appoint, prior to its forty-sixth session, one of its members to report to it at that session on information received under the present resolution, to analyse difficulties impeding ratification of, or accession to, the above-mentioned instruments and to assess the programme of advisory services in the field of human rights with a view to further encouraging universal acceptance of human rights instruments;

9. Also decides to continue consideration of the agenda item entitled "Encouragement of universal acceptance of human rights instruments" at its forty-sixth session and at subsequent alternate sessions of the Sub-Commission.

17th meeting
14th August 1992
[Adopted without a vote. See chap. XIV.]

1992/2. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34), Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular the progress made at its seventeenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Welcomes the decision of the Commission on Human Rights, contained in its resolution 1992/76 of 5 March 1992, to extend the mandate of the Special Rapporteur, Mr. Vitit Muntarbhorn, for three years, while maintaining the annual reporting cycle;

3. Takes note of the information on these problems supplied by participants at the seventeenth session of the Working Group and requests the Centre for Human Rights to transmit this information to the Special Rapporteur, along with the recommendations relating to his mandate;

4. Requests the Special Rapporteur, within the framework of his mandate, to pay increased attention to issues relating to trafficking in children, such as organ transplantation, the use of child labour, disappearances, the purchase and sale of children, adoptions for commercial or exploitative purposes, child prostitution and the involvement of children in armed conflicts;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

5. Requests the Secretary-General, in accordance with Commission on Human Rights resolution 1992/74 of 5 March 1992, to invite all States to inform the Sub-Commission of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, contained in the annex to resolution 1992/74;

6. Requests the Working Group to examine the state of the implementation of the Programme of Action at its eighteenth session and to transmit, through the Sub-Commission, a report thereon to the Commission at its fiftieth session;

C. Removal of organs from children

7. Requests the Secretary-General to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the

specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization (INTERPOL), to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract this practice wherever it exists, with a view to presenting a report to the Working Group at its eighteenth session;

II. EXPLOITATION OF CHILD LABOUR AND DEBT BONDAGE

8. Reiterates its request to the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Abdelwahab Bouhdiba's report on the exploitation of child labour (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session in 1981, and to extend that study to the problem of debt bondage;

9. Decides to transmit to the Commission on Human Rights the draft programme of action for the elimination of the exploitation of child labour, as reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolutions 1991/54 of 6 March 1991 and 1992/74 of 5 March 1992, contained in the report of the Working Group (E/CN.4/Sub.2/1992/34, annex I);

10. Decides to keep the question of the eradication of debt bondage under consideration and to assess the progress achieved;

III. CHILD SOLDIERS

11. Takes note of the report of the Secretary-General on the recruitment of children into governmental and non-governmental armed forces (E/CN.4/Sub.2/1992/35 and Add.1);

12. Expresses its deep concern that in many parts of the world children are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

13. Requests the Working Group to continue to give attention to this question at its eighteenth session;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

14. Considers it necessary to promote the implementation of international norms and standards concerning the suppression of the traffic in persons and the exploitation of the prostitution of others and to strengthen the implementation mechanism of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

15. Requests the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from

Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, pursuant to Commission on Human Rights resolution 1992/36 of 28 February 1992;

16. Also requests the Secretary-General to convey to the World Tourism Organization the grave concern of the Working Group with regard to sex tourism, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing this phenomenon, in particular when the prostitution of children is involved;

17. Recommends that States take urgent measures to protect minors from exposure to or involvement in child pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable in that regard;

18. Requests the Secretary-General to submit to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms information received by the Sub-Commission and its Working Group on Contemporary Forms of Slavery regarding the situation of women forced to engage in prostitution during wartime;

V. MACHINERY FOR MONITORING THE INTERNATIONAL CONVENTIONS ON SLAVERY

19. Recommends that the Secretary-General request the States parties to the international conventions on slavery to submit to the Sub-Commission, at regular intervals, reports on the situation in their countries, as provided for under the conventions;

20. Requests the Secretary-General to invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and to extend a similar invitation to States which have not ratified the conventions on forced labour of the International Labour Organisation;

21. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

22. Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

23. Requests the Secretary-General, when preparing his next report on the status and implementation of the international conventions on slavery, to include a list of States which have not yet signed, ratified or acceded to those instruments;

VI. UNITED NATIONS TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

24. Calls for the immediate implementation of General Assembly resolution 46/122 of 17 December 1991 establishing the United Nations Trust Fund on Contemporary Forms of Slavery and appeals to all Governments to respond favourably to requests for contributions to the Fund;

VII. MISCELLANEOUS

25. Requests the Working Group to study the possibility of preparing guiding principles for combating the various contemporary forms of slavery and to endeavour to identify the spheres in which such guiding principles could be applied;

26. Requests the Secretary-General to seek the views and suggestions of Member States and governmental and non-governmental organizations on this subject with a view to the consideration of their replies by the Working Group at its future sessions;

27. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

28. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

29. Requests the Secretary-General to transmit to the above-mentioned committees, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the present resolution, as well as the report of the Working Group on its seventeenth session, drawing their attention to the recommendations contained therein of relevance to them and transmitting any information which is of concern to them;

30. Also requests the Secretary-General to invite news agencies, the press, television and radio to contribute, particularly within the context of the World Conference on Human Rights, to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, and also requests that similar awareness be promoted by the Department of Public Information of the United Nations Secretariat;

31. Notes with appreciation that the Commission on Human Rights, in its decision 1992/115 of 3 March 1992, decided to approve the request of the Sub-Commission to the Secretary-General to examine the possibility of organizing the sessions of the Working Group for eight working days during the month of April or May and recommends that such arrangements be repeated in subsequent years;

32. Requests the Secretary-General to schedule periods of consultation of the Special Rapporteur on the sale of children at the Centre for Human Rights to coincide with the future sessions of the Working Group and, if this cannot be arranged, requests the presence at those sessions of the officer of the Centre for Human Rights who assists the Special Rapporteur;

33. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, to facilitate the attendance at the sessions of the Working Group of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session;

34. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session.

17th meeting
14th August 1992
[Adopted without a vote. See chap. XVII.]

1992/3. Contemporary forms of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Affirming the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prevent discrimination, to discourage State practices that legitimize discrimination and to reinforce the international legal norm of non-discrimination,

Stressing that the Convention on the Elimination of All Forms of Discrimination against Women was adopted to eliminate discrimination against women in all its forms and manifestations,

Concerned that over 20 of the 107 States parties to that Convention have filed more than 80 substantive reservations with respect to their obligation to implement the Convention,

Concerned also that certain reservations to the Convention, in particular those in relation to the adoption of policies and institutional measures to implement the terms of the Convention (art. 2), political and public life (art. 7), discrimination in the field of employment (art. 11), equality of men and women before the law (art. 15) and marriage and family relations (art. 16), might diminish the international legal norm and legitimize its violation,

Aware that the third meeting of the States parties adopted a resolution expressing concern that these reservations might not be compatible with the object and purpose of the Convention,

Noting resolution 35/3 adopted by the Commission on the Status of Women at its thirty-fifth session, held from 27 February to 8 March 1991, in particular the invitation to the international community contained therein to mark in an appropriate manner the tenth anniversary of the entry into force of the Convention, and the encouragement of all States parties to make every effort to facilitate the implementation of the Convention at the national, regional and interregional levels,

Noting also that the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat has given an opinion 1/ that neither the Secretary-General, as depositary, nor the Committee on the Elimination of Discrimination against Women has the power to determine the compatibility of reservations with the Convention,

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1/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 45 (A/39/45), vol. II, annex III.

Recalling its decision 1991/115 of 29 August 1991 in which it decided to suspend consideration of draft resolution E/CN.4/Sub.2/1991/L.49 recommending to the Commission on Human Rights that it propose to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

Noting that at its seventeenth session the Working Group on Contemporary Forms of Slavery invited the Sub-Commission to take a decision on the question in the light of replies from the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women,

1. Requests the Secretary-General to seek the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the desirability of obtaining an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to invite them, in their replies, to make such further observations on the issue of reservations to this Convention as they may consider appropriate;

2. Also requests the Secretary-General to report the results of the above consultations to the Sub-Commission at its forty-fifth session;

3. Decides to reconsider draft resolution E/CN.4/Sub.2/1991/L.49 at its forty-fifth session in the light of the replies received from the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women.

17th meeting
14 August 1992
[Adopted without a vote. See chap. XVI.]

1992/4. Discrimination against women

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into consideration the objectives of the Nairobi Forward-looking Strategies for the Advancement of Women and of the Convention on the Elimination of All Forms of Discrimination against Women,

Having in mind the mandate of the Commission on the Status of Women and of the Committee on the Elimination of Discrimination against Women,

Noting with concern that the status of women has not greatly improved and that women in many areas continue to suffer discrimination, as described in the reports submitted by States parties to the Convention on the Elimination of All Forms of Discrimination against Women, Noting also with concern the alarming information contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1992/34), in particular with regard to prostitution and exploitation,

Recognizing the consequences of conflicts for women in view of their special vulnerability to violence of all kinds,

Recognizing also the harmful effects of certain traditional practices and social attitudes on the health and well-being of women,

1. Reaffirms that women's rights are recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights;

2. Recommends that the forthcoming World Conference on Human Rights give priority to the question of discrimination affecting women and their status, both in its agenda and in the documentation prepared for the World Conference;

3. Also recommends that information on the equality and empowerment of women, and their access to equality in education, work, health and literacy, be included in States' reports to all human rights monitoring bodies and not only to the Committee on the Elimination of Discrimination against Women;

4. Requests the Secretary-General to report on the implementation of the present resolution to the Sub-Commission at its forty-fifth session.

17th meeting
14 August 1992
[Adopted without a vote. See chap. XVIII.]

1992/5. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1990/1 and 1990/2 of 20 August 1990, and 1991/2 of 20 August 1991,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General (E/CN.4/Sub.2/1992/11) submitted pursuant to Sub-Commission resolution 1991/2,

1. Takes note with appreciation of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world;

2. Decides to submit the report of the Secretary-General to the Commission on Human Rights at its forty-ninth session;

3. Recommends that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

4. Recommends that the Commission on Human Rights appoint a thematic special rapporteur to address the issue of contemporary forms of racism, racial discrimination and xenophobia that occur in any part of the world;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

27th meeting
21 August 1992
[Adopted without a vote. See chap. VI.]

1992/6. Monitoring the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/1 of 20 August 1991,

Noting resolution 1992/20 of 28 February 1992 of the Commission on Human Rights, Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986, 43/92 of 8 December 1988 and 45/84 of 14 December 1990,

Having considered the updated report (E/CN.4/Sub.2/1992/12 and Add.1) prepared by the Special Rapporteur, Mr. Ahmed Khalifa,

Convinced that the annual presentation of the list of institutions giving support to the South African regime contained in the addendum to the report of the Special Rapporteur has been of major importance in increasing the pressure which has led the Government of South Africa to start amending its racist policies,

Noting the statement by the Special Rapporteur that, in the light of recent events, the continued updating of the list would no longer serve the purpose for which it was intended,

Convinced of the need for the United Nations human rights bodies to contribute to the monitoring of the process of abolishing apartheid and that the Sub-Commission should also contribute to this task,

1. Expresses its profound gratitude to the Special Rapporteur, Mr. Ahmed Khalifa, for his considerable contribution to the cause of eliminating the policy of apartheid, and especially for the immense role played by the annual updated lists;

2. Recommends that a special rapporteur be appointed from among the members of the Sub-Commission to report on the progress towards democracy, equality and social justice in South Africa;

3. Recommends the following resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

27th meeting
21 August 1992
[Adopted without a vote. See chap. VI.]

1992/7. Interrelationship between human rights and international peace

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/47 of 1 September 1989, inviting Mr. Murlidhar C. Bhandare to prepare a working paper on the problem of the interrelationship between international peace and the effective materialization of all human rights, particularly of the right to life and the right to development, Recalling also its decision 1991/106 of 29 August 1991 to suspend the debate on this item until its forty-fourth session,

Having studied with care and discussed at length the working paper submitted to it by Mr. Bhandare at its forty-fourth session (E/CN.4/Sub.2/1991/32 and Corr.1),

1. Expresses its deep appreciation to Mr. Bhandare for his paper and for his constructive contribution to the debate thereon;

2. Takes note of the recommendations contained in the final part of the working paper;

3. Notes that certain new important facts ought also to be taken into account;

4. Requests therefore Mr. Bhandare to supplement his working paper and to present a further document to the Sub-Commission at its forty-sixth session.

27th meeting
21 August 1992
[Adopted without a vote. See chap. XV.]

1992/8. Methods of work of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering Commission on Human Rights resolution 1992/66 of 4 March 1992, by which the Commission authorized it to establish, on an exceptional basis, an inter-sessional Working Group on the methods of work of the Sub-Commission,

Taking note of the report of the inter-sessional Working Group (E/CN.4/Sub.2/1992/3 and Add.1),

Recalling the set of guidelines which the Sub-Commission adopted at its twenty-seventh session (1974) concerning its methods of work (E/CN.4/1160, para. 26),

1. Decides to continue at its forty-fifth session consideration of those aspects of its methods of work which have not yet been discussed;

2. Also decides to annex to the present resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

ANNEX

Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66

I. PREPARATION OF STUDIES

Guideline No. 1

Regulation of the number of studies

1. When the number of ongoing studies entrusted to Special Rapporteurs reaches 13, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, for example, in the form of a periodic report, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds 13 the members of the Sub-Commission should hold consultations in order to establish priorities.

Guideline No. 2

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object and the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudge the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

Guideline No. 3

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

Guideline No. 4

Appointment of rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them. To this end, the Rapporteur of the Sub-Commission shall be entrusted with the task of collecting proposals for studies that are made during the session and informing the Sub-Commission in due time, for the purposes of agreeing and deciding on them.

2. The duties of rapporteur are in principle exercised by members of the Sub-Commission.

3. When the rapporteur for an ongoing study is no longer a member of the Sub-Commission, he may not be retained in his post of rapporteur for more than one year after the date on which his mandate expires, unless the Sub-Commission decides otherwise.

Guideline No. 5

Appointment of commentators

1. The author of the study may appoint a maximum of two members of the Sub-Commission as commentators in order to undertake an in-depth analysis of the study, in liaison with its author, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

Guideline No. 6

List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

(a) Title of the study;

(b) Name of its author;

(c) Legislative authority;

(d) Timetable for the study;

(e) Effective date of presentation of the preliminary, interim or final report.

Guideline No. 7

Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in the form of a note indicating for each study the following points:

(a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and an indication of the total amount; for each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendation made by the author of the study; follow-up given to these recommendations, in respect of the rules, measures or practices adopted by the secretariat, by Governments, by the specialized agencies or by the institutions or non-governmental organizations concerned.

II. SUBMISSION AND ADOPTION OF RESOLUTIONS AND DECISIONS

Guideline No. 8

Number of resolutions and decisions

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline in order to reduce their number, the secretariat shall provide, at each session of the Sub-Commission, a comparative table for the previous three years showing the number of resolutions and decisions considered by category, as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Economic and Social Council for adoption;

(c) Resolutions of whatever category concerning the human rights situation in a given country;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(f) Solemn and consensus statements by the Chairman;

(g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rule of procedure of the functional commissions of the Economic and Social Council.

Guideline No. 9

Self-discipline regarding the number of resolutions and decisions

At the beginning of each meeting, the Chairman shall invite the secretariat to inform the Sub-Commission of the number of resolutions and decisions registered in order to promote self-discipline in this respect.

Guideline No. 10

Co-sponsors of resolutions and decisions

If, when a draft resolution or decision is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the author or, if appropriate, the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

Guideline No. 11

Consultations by the Chairman

Either during consultations prior to the submission of a draft resolution or decision or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution or decision with a solemn and consensus declaration by the Chairman meeting their approval and which would appear *in extenso* in the report of the Sub-Commission and in the summary record.

Guideline No. 12

Deadline for the submission of draft resolutions or decisions

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council, draft resolutions and decisions should be submitted at least three working days before the date on which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

III. HOLDING OF MEETINGS AND ALLOCATION OF SPEAKING TIME

Guideline No. 13

Schedule of meetings

In accordance with established practice, meetings which are not devoted to the adoption of resolutions and decisions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

Guideline No. 14

Order of statements

1. Members of the Sub-Commission, at any time;

2. Observers for intergovernmental and non-governmental organizations;

3. Government observers.

Guideline No. 15

List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

Guideline No. 16

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each item in accordance with the following rules:

(a) Members of the Sub-Commission:

(i) 20 minutes maximum, divided into one or several statements;

(ii) 35 minutes maximum, for the presentation of a study, to be divided by the author between the explanatory remarks and the conclusion;

(b) Government observers:

(i) 10 minutes maximum (and 14 minutes in total if the item contains several subitems);

(ii) 5 minutes maximum in connection with a right of reply or 3 minutes maximum in connection with a second right of rejoinder, as the case may be;

(iii) 5 minutes maximum for a statement to be exercised immediately before voting on a resolution when the country is implicated;

(c) Non-governmental observers: 10 minutes maximum (and 16 minutes in total if the item contains several subitems or in case of a joint statement).

IV. TRANSITIONAL ARRANGEMENTS

Guideline No. 17

Application of the guidelines

These arrangements shall not take effect until the forty-fifth session of the Sub-Commission. They shall not be applicable to rapporteurs appointed before the forty-fourth session.

33rd meeting
26 August 1992
[Adopted without a vote. See chap. IV.]

1992/9. Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989,

Recalling also all the relevant resolutions of the Commission on Human Rights, in particular resolution 1992/19 of 28 February 1992,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Taking note of the decisions of the Council of Ministers of the Organization of African Unity at its fifty-sixth Ordinary Session in Dakar, held from 22 to 28 June 1992, in particular the decision urging the international community to refrain from establishing official links with South Africa until the establishment of an interim Government and the holding of free and fair elections on the basis of a new constitution,

Welcoming the accord of 16 August 1991 between the United Nations and the Government of South Africa which opens the way for refugees to return to South Africa and for the release of political prisoners,

Concerned that many political prisoners are still incarcerated, that political trials of some opponents of apartheid still continue and that not all political exiles have been allowed to return,

Gravely concerned at the new wave of violence that is further devastating South Africa and the role of the Government of South Africa in this regard,

Gravely concerned also at the continued military cooperation between South Africa and some Governments,

Conscious of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression and oppression by the Government of South Africa,

Noting with great concern that the negotiation process within the framework of the Convention for a Democratic South Africa (CODESA) is deadlocked because of the refusal by the Government of South Africa to follow the universally accepted democratic principles for implementing constitutional change,

Concerned that the violence in South Africa is escalating in spite of the constant appeals by the international community to end the carnage which constitutes a major obstacle to the negotiation process, Recalling the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of the Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;

2. Also reaffirms the right of all persons to refuse service in military or police forces when they are used to enforce apartheid;

3. Strongly condemns the perpetrators of the violence that continues to devastate South Africa and denounces the Government of South Africa for its failure to act to stop the violence;

4. Reiterates the call contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa for, inter alia, the unconditional release of all political prisoners and detainees by the Government of South Africa, the removal of all troops from the townships, the repeal of the remaining legislation designed to circumscribe political activity and the cessation of all political trials and executions;

5. Urges all States to continue to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;

6. Calls upon the Government of South Africa not to proceed with the execution of persons convicted and sentenced to death for so-called "security", "security-related" or "unrest-related" offences;

7. Calls upon the Government of South Africa to bring before court on appropriate charges those members of the security forces or other government organs or other persons against whom prima facie evidence of participation in the killing of residents in black areas or in the murder of political opponents of apartheid exists;

8. Reiterates that unity of action and cohesion among the liberation movements and other democratic South African forces within the framework of the United Patriotic Front is absolutely necessary at this crucial stage of the struggle and constitutes the best means of hastening the process of negotiations aimed at the advent of a non-racial, democratic and united South Africa;

9. Urges the international community to refrain from establishing official links with South Africa until an interim Government responsible for supervising the transition to democratic rule, including the holding of free and fair elections under universal adult suffrage on a common voters' roll, has been put in place in the country;

10. Affirms that any relaxation of pressure on South Africa at this time would be a violation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa;

11. Vigorously condemns all military collaboration with the Government of South Africa, particularly in the nuclear field.

33rd meeting
26 August 1992
[Adopted without a vote. See chap. VII.]

1992/10. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular resolution 1992/2 of 14 February 1992 of the Commission on Human Rights,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990 and 726 (1992) of 6 January 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, Recalling with great concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988, on 18 and 19 August 1988 and on 21 May 1992 with respect to repeated violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the continuous refusal of Israel to apply the provisions of the Convention in the occupied territories,

Reaffirming its previous resolutions in this respect,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of human rights by Israel over the past 25 years and its persistence in killing, wounding and arresting Palestinian people and in deporting and expelling Palestinian citizens,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued perpetration by the Israeli occupation authorities of deliberate killings of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical integrity, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews, as happened in the Gaza Strip on 25 May 1992, and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses, all constitute grave violations of the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights and of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the Palestinian people under Israeli occupation, in accordance with the relevant

Security Council resolutions and the provisions of the Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to apply article 1 of the Convention, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from Israeli occupation and to exercise their inalienable national rights on their national soil, above all their right to self-determination;

6. Also reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 12 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations, the resolutions of the General Assembly and of the Commission on Human Rights, and the right to self-determination of all peoples;

7. Condemns the policy of Israel for:

(a) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian territories and other occupied Arab territories, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Establishing Israeli settlements in the Palestinian and other occupied Arab territories and calls for them to be dismantled, and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(c) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry

Israeli identity cards and in order to force them to carry such cards, practices which constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Reiterates its support for the convening of an international peace conference on the Middle East, under the auspices of the United Nations, in which all parties to the conflict, including the Palestine Liberation Organization, would participate on an equal footing, and with the participation of the permanent members of the Security Council on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, as well as of all relevant General Assembly resolutions, in particular those that define and confirm the inalienable rights of the Palestinian people, particularly their right to self-determination, and calls for the withdrawal of the Israeli occupation forces from all occupied Palestinian and other Arab territories, including Jerusalem;

9. Confirms that any attempt to solve the Arab-Israeli conflict outside the framework of the above-mentioned international conference or that is not based on the international legitimacy constituted by the principles of international law that govern armed conflicts among countries, as well as the relevant United Nations resolutions on Palestine and the Middle East, will not contribute to solving the real problem, and will maintain the current conflict that threatens the area with continuous wars;

10. Requests the Secretary-General to provide the Sub-Commission, at its forty-fifth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

33rd meeting
26 August 1992
[Adopted by secret ballot by 11 votes to 6,
with 6 abstentions. See chap. VII.]

1992/11. Situation of human rights in Somalia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on

Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and other human rights instruments,

Bearing in mind Commission on Human Rights resolution 1991/25 of 5 March 1991, in which the Commission invited all Governments and international organizations to intensify their cooperation and assistance in worldwide efforts to address the serious problems and needs resulting from internal displacement,

Recalling its resolution 1991/29 of 29 August 1991, in which it stressed the importance of the international community ensuring the provision of urgent humanitarian assistance to the people of Somalia, and of effective international coordination to facilitate equitable distribution,

Recalling also Security Council resolution 767 (1992) of 27 July 1992 concerning the provision of humanitarian assistance to Somalia,

Gravely concerned by reports of massive violations of human rights, particularly extrajudicial executions and acts of torture committed by armed gangs,

Alarmed by the number of refugees who have left Somalia since January 1991 and by the fate of displaced and homeless persons,

1. Calls upon all the parties involved in the conflict in Somalia to put an end to the serious violations of human rights and humanitarian law;

2. Expressly invites the international community to provide humanitarian assistance to the people of Somalia as a matter of great urgency and to establish a framework and effective means to facilitate equitable distribution;

3. Requests the Office of the United Nations High Commissioner for Refugees to ensure that adequate protection and resources are provided to refugees until their voluntary return and reinstallation can be assured.

33rd meeting
26 August 1992
[Adopted without a vote. See chap. VII.]

1992/12. Support for the restoration of democracy in Peru

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international legal instruments on the protection of human rights, Deeply concerned at the serious events that have taken place in Peru since 5 April 1992, when the President of the Republic dissolved the National Congress, altered the composition of the courts and suspended essential functions of the judiciary, thus seriously affecting the state of law and the rule of democracy in the country,

Noting furthermore, with deep alarm, the growing criminal activities of the terrorist groups Sendero Luminoso and Movimiento Revolucionario Tupac Amaru which, besides the 800 deaths they have caused between August 1991 and the present, have in recent months unleashed a wave of terror and indiscriminate violence that has already cost more than 50 lives and left nearly 300 people wounded among the civilian population,

Recalling the resolution passed on 6 April 1992 by the Permanent Council of the Organization of American States, convening an ad hoc meeting of Ministers for Foreign Affairs of the member countries of that organization to undertake an immediate and continuing examination of the changing situation in Peru,

Welcoming with satisfaction resolutions 1-92 of 13 April 1992 and 2-92 of 18 May 1992 adopted by the ad hoc meeting calling on the Government of Peru urgently to restore democratic order and, to that end, requesting it, inter alia, to establish a dialogue with representative political forces and take the necessary steps to guarantee full respect and enjoyment of the freedoms of assembly and association, speech, opinion and the press,

Taking note with satisfaction of the undertaking by the Government of Peru to restore the institutional order and to hold general elections on 22 November 1992 to elect a constituent congress, ensuring that the elections are accompanied by every guarantee of the free expression of the popular will, and accepting monitoring by the Organization of American States,

Extremely concerned about recent reports that the authorities have ended the dialogue with representative political forces,

1. Deeply deplores the events that have taken place in Peru and expresses its most serious concern at the critical effect they are having on the operation of the institutional machinery of representative democracy in Peru and throughout the region;

2. Expresses its deepest revulsion and indignation at the criminal activities of the terrorist groups Sendero Luminoso and Movimiento Revolucionario Tupac Amaru;

3. Endorses the call by the Permanent Council of the Organization of American States for the authorities to take all necessary steps to guarantee full respect and enjoyment of the freedoms of assembly and association, expression, opinion and the press;

4. Also endorses the call by the Permanent Council of the Organization of American States for democratic order to be urgently restored in Peru and for all activities affecting the enjoyment of human rights to cease;

5. Firmly supports the decision by the Organization of American States to keep the ad hoc meeting of Ministers for Foreign Affairs in session in order to ensure appropriate constant monitoring of the changing situation in Peru until representative democracy is fully restored in the country;

6. Calls upon the Peruvian authorities to strengthen their cooperation with the Inter-American Commission on Human Rights;

7. Takes note with interest of the undertaking by the Peruvian authorities to hold national elections on 22 November 1992 to choose a democratic constituent congress by means of an election to be accompanied by every guarantee of the free expression of the popular will and to be monitored by the Organization of American States;

8. Urges the Peruvian authorities to maintain a fruitful and constructive dialogue with all democratic political forces in the country in accordance with its undertakings and the request made of it by the Permanent Council of the Organization of American States;

9. Expresses its gratitude for the cooperation and information provided by the Government of Peru regarding the changing situation in that country;

10. Calls upon the Peruvian authorities to reopen the dialogue with representative political forces until institutional normalization is restored, human rights are fully respected and representative democracy is completely re-established.

34th meeting
27th August 1992
[Adopted without a vote. See chap. VII.]

1992/13. Situation of human rights in El Salvador

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/11 of 26 August 1991,

Noting with satisfaction Commission on Human Rights resolution 1992/62 of 3 March 1992 in which the Commission requested the Secretary-General to appoint an independent expert to provide assistance in human rights matters to the Government of El Salvador, consider the human rights situation in that country and the effects of the Peace Agreements on the effective enjoyment of human rights, and investigate the manner in which both parties apply the recommendations contained in the final report of the Special Representative (E/CN.4/1992/32) and those made by the United Nations Observer Mission in El Salvador and the committees established during the negotiating process,

Welcoming the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional signed the Peace Agreements on 16 January 1992 and thereafter initiated the process for their implementation, which may lead, in particular, to a substantial improvement in the human rights situation in that country,

Considering that the timetable set for the implementation of those Agreements is based on a close interrelation between the execution by both parties of the undertakings made, which is bound to generate mutual confidence in the existence of the will and ability to comply with them,

Taking into account that the Secretary-General in his report of 26 May 1992 (S/23999) maintains that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional are to be commended for not having once broken the cease-fire and for complying with several of their undertakings, but at the same time noting that there have been some serious delays in implementing various provisions of the Agreements,

Appreciating the importance of the work carried out by the Secretary-General and his Personal Representative to assist each of the two parties in implementing the Agreements and enabling there to be effective monitoring by the United Nations Observer Mission in El Salvador,

Noting that, according to what has been reported by the Observer Mission, as a result of the implementation of the Agreements there has been a decrease in the number of complaints of human rights violations, but that the human rights situation still gives cause for concern,

Welcoming the fact that the Ad Hoc Commission, the Truth Commission and the National Commission for the Consolidation of Peace, set up in pursuance of the Agreements, are already in operation, which can help to improve the human rights situation and to strengthen national reconciliation,

Expressing its satisfaction that the Office of the Attorney-General for the Protection of Human Rights has recently been established in El Salvador, and regretting the serious attack committed against one of its staff on 31 July 1992,

Aware that the international community must attentively follow and support the efforts being made by the parties in El Salvador to consolidate peace, ensure respect for human rights and promote the reconciliation and the economic and social development of that country,

1. Commends the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for the extremely important Agreements reached by them and for the determination they have expressed to seek to comply with them faithfully and fully;

2. Welcomes the fact that El Salvador has achieved a reduction in the number of human rights violations, while regretting that the situation in regard to those rights continues still to give cause for concern, and expresses its hope that compliance with the Agreements will improve the situation;

3. Expresses its support for the work being done in the cause of the consolidation of peace and the protection of human rights by the Secretary-General, his Personal Representative and the members of the United Nations Observer Mission in El Salvador;

4. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to abide scrupulously by all the Peace Agreements, particularly those relating to human rights and the democratization of the country;

5. Welcomes the fact that the parties have recognized the need to elucidate and deal with any cases of impunity reported, especially where respect for human rights is jeopardized;

6. Takes note of the fact that the Government of El Salvador has begun investigations to identify and punish the perpetrators of the attack against the member of the staff of the Office of the Attorney-General for the Protection of Human Rights, and urges it to carry them through to a successful conclusion;

7. Urges the international community to assist in the National Reconstruction Plan for El Salvador;

8. Offers its full support to the Independent Expert for El Salvador appointed by the Secretary-General.

34th meeting
27th August 1992
[Adopted without a vote. See chap. VII.]

1992/14. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming its resolution 1991/12 of 26 August 1991, in which it decided to review at its forty-fourth session the matter of forced evictions as a gross and consistent pattern of human rights violations affecting large numbers of people,

Recalling that in resolution 1991/12 it drew the attention of the Commission on Human Rights to the need for immediate measures to be undertaken at all levels aimed at eliminating the practice of forced eviction, Noting the view, put forth in the working paper on the right to adequate housing prepared by Mr. Rajindar Sachar, that the subject of forced evictions was complex and multifaceted and should be examined in detail by the United Nations, particularly since that act was possibly the most blatant violation of the right to housing (E/CN.4/Sub.2/1992/15, para. 41),

1. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, resolution III.]

34th meeting
27th August 1992
[Adopted without a vote. See chap. VII.]

1992/15. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of Commission on Human Rights resolution 1992/67 of 4 March 1992,

Recalling its resolution 1991/9 of 23 August 1991 and the other relevant resolutions of the General Assembly, the Commission and the Sub-Commission,

Noting that, in his report on the human rights situation in the Islamic Republic of Iran (E/CN.4/1992/34), the Special Representative, Mr. Reynaldo Galindo Pohl, drew attention to the increasing number of executions,

Noting also that more than one hundred and fifty political prisoners were executed in May 1992,

Deeply concerned at the continuing violations of human rights by the Government of the Islamic Republic of Iran, namely summary and arbitrary executions, torture and other cruel, inhuman and degrading treatment, arbitrary arrests and detention, enforced or involuntary disappearances, lack of due process of law and fair trial and of freedom of religion and expression,

Deploring the expulsion in March 1992 of the delegation of the International Committee of the Red Cross from the Islamic Republic of Iran despite an earlier agreement by the Government to allow the International Committee of the Red Cross to visit Iranian prisons, and deeply concerned at the Government's refusal to allow the International Committee of the Red Cross to resume these visits,

Gravely concerned at the rise in the number of summary executions following the recent anti-Government demonstrations in cities such as Arak, Mashad and Shiraz, and at the arbitrary arrests of thousands of people during those demonstrations, attributed by the authorities to the Mojahedin,

Disturbed by many aspects of the official treatment of Iranian women, including the officially announced arrest of one hundred and thirteen thousand people on charges of "dissemination of moral corruption and mal-veiling" in the year ending 2 August 1992,

Noting in particular that the situation of the Baha'i community in the Islamic Republic of Iran continues to be a matter of concern,

Recalling its resolutions 1990/8 of 30 August 1990 and 1991/9 of 23 August 1991 condemning the assassination of Professor Kazem Rajavi in Switzerland and deploring the apparent direct involvement of one or more official Iranian services in the killing,

Concerned at further assassinations and attempts on the lives of Iranian dissidents abroad, including an abortive attempt on the life of Massoud Rajavi, President of the National Council of Resistance of Iran, in December 1991,

1. Endorses the urgent call by the Special Representative in his report to the Government of the Islamic Republic of Iran to comply with international human rights standards;

2. Condemns the continuing grave violations of human rights by the Government of the Islamic Republic of Iran, especially:

(a) The use of excessive force to suppress anti-Government demonstrations, including summary executions and arbitrary arrests;

(b) Executions, systematic torture and maltreatment of political prisoners;

(c) Stoning, torture and degrading treatment of citizens, especially women, in public;

(d) Renewed persecution of religious minorities and summary killings of Baha'is;

(e) Suppression of freedom of thought, expression and association;

3. Requests the Special Representative, in his next report to the General Assembly and the Commission on Human Rights, to include information available to him on executions, arrests and measures to suppress political opposition, including the formation of special paramilitary units, and any further information on the assassination of Professor Kazem Rajavi;

4. Supports continued international monitoring of the human rights situation in the Islamic Republic of Iran;

5. Requests the Secretary-General to inform the Sub-Commission at its forty-fifth session of relevant reports by other special rapporteurs or bodies in the field of human rights, as well as of steps which have been or are being taken by the General Assembly and the Commission on Human Rights to prevent violations of human rights in the Islamic Republic of Iran;

6. Decides to consider further the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'i, at its forty-fifth session.

34th meeting
27 August 1992
[Adopted by secret ballot by 18 votes to 3,
with 2 abstentions. See chap. VII.]

1992/16. Situation of human rights in Haiti

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights,

Reaffirming that all Member States have a duty to promote human rights and to fulfil their obligations under the various applicable instruments,

Taking note of Commission on Human Rights resolution 1992/77 of 5 March 1992 relating to the situation of human rights in Haiti,

Recalling Commission on Human Rights resolution 1991/77 of 6 March 1991 relating to the situation of human rights in Haiti,

Recalling also General Assembly resolutions 46/7 of 11 October 1991 and 46/138 of 17 December 1991 relating to the situation of democracy and human rights in Haiti,

Taking note of resolution MRE/RES.3/92 adopted on 17 May 1992 by the Ministers for Foreign Affairs of the member countries of the Organization of American States,

Deeply concerned about the serious events that have occurred in Haiti since 29 September 1991 which abruptly and violently interrupted the democratic process in that country, entailing the continued loss of human lives and violations of human rights,

Concerned also at the mass exodus of Haitian nationals fleeing the country, *Taking note* of the statement made by the Presidential Commission set up by President Aristide to initiate dialogue and negotiations with all national sectors with a view to the restoration of the rule of law and the establishment of a Government of national concord,

Aware that the Sub-Commission must keep a close watch on the situation of human rights in Haiti,

1. *Strongly condemns* the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, the use of violence and the deterioration of the situation of human rights in that country;

2. *Expresses its deep concern* at the flagrant human rights violations committed by the illegal Governments set up following the *coup d'état* perpetrated on 29 September 1991;

3. *Draws the attention* of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts undertaken to assist them;

4. *Appeals* to all the parties concerned by the Haitian crisis to make the efforts at dialogue necessary for the restoration of the lawful Government and the re-establishment of democracy in Haiti;

5. *Requests* all the competent international bodies, in particular the United Nations and the Organization of American States, to undertake all necessary efforts in order to assist the people of Haiti;

6. *Decides* to follow closely the development of the situation in Haiti at its forty-fifth session.

34th meeting
27 August 1992
[Adopted without a vote. See chap. VII.]

1992/17. *Situation in Cambodia*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling its resolution 1991/8 of 23 August 1991,

Taking note of Commission on Human Rights decision 1992/102 of 21 February 1992, Taking note also of Security Council resolutions 745 (1992) of 28 February 1992 and 766 (1992) of 21 July 1992,

Welcoming the signature of the Paris Agreement on a Comprehensive Political Settlement of the Cambodia Conflict on 23 October 1991,

Convinced that Cambodia's tragic past requires special and concrete measures to assure respect for the human rights and fundamental freedoms of all persons,

Convinced also that the international community has a responsibility to continue to support Cambodia in the field of human rights,

1. Welcomes the efforts undertaken to date by the United Nations Transitional Authority in Cambodia to foster an environment in which respect for human rights can be ensured, in particular the development and dissemination of a human rights education programme at all levels of Cambodian society;

2. Underlines the importance of the reconstruction and rehabilitation of the legal and judicial systems in Cambodia to be undertaken in parallel with human rights advocacy programmes;

3. Encourages United Nations agencies, other international governmental organizations and non-governmental organizations to participate actively in human rights activities in Cambodia;

4. Expresses its support for the activities of indigenous human rights organizations in Cambodia;

5. Welcomes the initiative to convene an international symposium on human rights in Cambodia in December 1992 and invites the Secretary-General to ensure wide circulation of the conclusions of that symposium;

6. Invites the Secretary-General to develop and implement, in collaboration with the United Nations Transitional Authority in Cambodia, long-term comprehensive programmes of technical assistance and advisory services which would contribute to a lasting improvement in the enjoyment of human rights and fundamental freedoms in Cambodia;

7. Also invites the Secretary-General to report to the Commission on Human Rights, at its forty-ninth session, on the activities undertaken and the progress made in this field.

34th meeting
27 August 1992
[Adopted without a vote. See chap. VII.]

1992/18. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international legal instruments for the protection of human rights, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1991/5 of 23 August 1991,

Taking note of Commission on Human Rights resolution 1992/78 of 5 March 1992 endorsing the recommendations contained in the report (E/CN.4/1992/5) by the Independent Expert on the situation of human rights in Guatemala, Mr. Christian Tomuschat, and renewing and extending his mandate,

Taking note also of the legal and institutional reforms introduced by the Government of Guatemala with a view to combating impunity and guaranteeing full enjoyment of human rights and fundamental freedoms,

Noting with deep concern that, notwithstanding these measures, serious violations of human rights persist as a result of practices carried out by groups linked to the security forces,

Aware of the need to reinforce the investigation and punishment of those responsible for human rights violations with the aim of eliminating impunity,

Deeply concerned by the situation of the indigenous peoples, who are subjected to violations of their human, civil, political, economic, social and cultural rights and whose legitimate demands continue to be ignored,

Aware that the situation of refugees and displaced persons within the country who are willing to return to their places of origin, the majority of whom are indigenous inhabitants, requires that the Government of Guatemala intensify its efforts to create conditions that will enable them to return to their places of origin, with full guarantees for their security and respect for their human rights and continue to guarantee the security of institutions cooperating in the resettlement of such persons,

Noting with interest the June 1992 report by the Procurator for Human Rights of Guatemala and emphasizing the importance of this institution for the promotion and protection of human rights,

Noting with appreciation that the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) have continued the process of negotiations following the signature of the Agreements of Oslo (March 1990), Mexico (April 1991) and Querétaro (July 1991) and encouraging them to persist in that process in a constructive spirit until peace and the full enjoyment of human rights are achieved, *Noting with appreciation* the important work done by the Independent Expert on the situation of human rights in Guatemala, the positive role played by the Observer appointed by the Secretary-General of the United Nations and the constructive contribution made by the National Conciliator, Monsignor Rodolfo Quezada Toruno, in the search for a political solution to the internal armed conflict,

Aware that the interests of all sectors of Guatemalan society must be taken into account in the peace negotiations,

1. *Expresses its deep concern* at the persistence of serious human rights violations in Guatemala, despite the efforts by the Government to combat them;

2. *Exhorts* the Government of Guatemala to intensify those efforts so as to ensure respect for all human rights and full observance of the relevant international instruments, including the norms of international humanitarian law;

3. *Acknowledges* the undertaking by the Government of Guatemala to this effect and expresses its appreciation of the cooperation which the Government has extended to the United Nations in the context of the programme of advisory services in the field of human rights;

4. *Urges* the Government of Guatemala to intensify investigations aimed at identifying and bringing to justice those responsible for violations of human rights, to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights, and to ensure that the judicial system can operate independently and with due protection being afforded to judges, investigators, witnesses and the relatives of victims;

5. *Calls upon* the Government of Guatemala, in particular in this year of 1992, to emphasize the need to respond to the requests and proposals of the indigenous peoples through the adoption of practical measures to improve their economic, social and cultural conditions;

6. *Again exhorts* the Guatemalan authorities to strengthen measures to ensure that human rights are respected in the country in all their aspects and to pay special attention to the recommendations made by the Independent Expert in his report, principally the abolition of the system for the protection of the citizenry and of the voluntary civil self-defence committees, within the context of the negotiations between the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG);

7. *Exhorts* the Government of Guatemala urgently to adopt measures to facilitate the return to their places of origin of refugees and displaced persons within the country who wish to do so while at the same time extending all guarantees of security and full respect for human rights, and also to continue to guarantee the security of all institutions cooperating in such resettlement;

8. Encourages the Procurator for Human Rights of Guatemala and his associates to continue their intensive and positive efforts for the protection of human rights, and at the same time appeals to the international community to provide this institution with support and cooperation;

9. Expresses its appreciation of the contribution to the peace process made by the Independent Expert, as well as by the Observer appointed by the Secretary-General of the United Nations and the National Conciliator, and expresses its conviction that the United Nations should continue and intensify its cooperation both in the field of human rights and with regard to all matters concerning the peace negotiations in Guatemala;

10. Urges the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) to reach an agreement on human rights as rapidly as possible and to continue the peace negotiations in a climate of mutual respect and a constructive spirit, taking into consideration the interests of all sectors of society.

34th meeting
27 August 1992
[Adopted by secret ballot by 13 votes to 4,
with 4 abstentions. See chap. VII.]

1992/19. Detention on Bougainville

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind article 13 (2) of the Universal Declaration of Human Rights,

Recalling that, in accordance with Articles 55 and 56 of the Charter of the United Nations, Member States pledge to take joint and separate action in cooperation with the Organization for the achievement of universal respect for and observance of human rights and fundamental freedoms,

Considering the great importance of the various fact-finding and monitoring mechanisms established under the international human rights instruments and the Charter of the United Nations for the promotion and protection of human rights and fundamental freedoms in all countries,

Aware of the continuing allegations of human rights violations in relation to the situation on Bougainville,

Noting that the encouraging initial statements by the newly elected Government of Papua New Guinea that human rights violations would be brought to an end have yet to be translated into action,

1. *Calls upon* the Government of Papua New Guinea to restore without delay freedom of movement to the inhabitants of Bougainville in the interest of protecting and promoting human rights and fundamental freedoms;

2. *Requests* the Special Rapporteur on the study of treaties, agreements and other constructive arrangements between States and indigenous populations to include in his report the case of the agreements entered into between the indigenous people of Bougainville and Papua New Guinea.

34th meeting
27 August 1992
[Adopted without a vote. See chap. VII.]

1992/20. *Situation in East Timor*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling resolution 37/30 of 23 November 1982 of the General Assembly, in which it requested the Secretary-General to initiate consultations with all parties directly concerned to resolve the conflict in East Timor,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989 and 1990/15 of 30 August 1990 concerning the situation in East Timor,

Bearing in mind the consensus statements by the Chairman of its forty-third session (see E/CN.4/Sub.2/1991/SR.26) and the Chairman of the Commission on Human Rights, at its forty-eighth session (see E/CN.4/1992/SR.54/Add.1),

Having examined the report of the visit to East Timor by the Special Rapporteur on the question of torture of the Commission on Human Rights, Mr. Peter Kooijmans (E/CN.4/1992/17/Add.1),

Appalled at the loss of life and injuries among civilians resulting from the violent incidents in Dili on 12 November 1991 and concerned at the fate of those who are missing,

Welcoming the decision of the Secretary-General to send Mr. S. Amos Wako as his Personal Envoy to inquire into the violent incidents of 12 November 1991, *Regretting* that the National Commission of Inquiry set up by the Government of Indonesia failed to identify clearly those responsible for the killings,

Considering that the Government of Indonesia had undertaken to adopt the measures necessary towards the implementation of the recommendations of the Special Rapporteur on the question of torture,

Disturbed by the heavy sentences passed on the East Timorese involved in peaceful political activities on the basis of the "Anti-Subversion Law", the abrogation of which had been recommended by the Special Rapporteur,

Disturbed also by reports of continuing human rights violations in East Timor,

Disappointed by the persistent denial of access to the territory to human rights organizations,

1. *Deplores* the tragic events in Dili of 12 November 1991 in which East Timorese civilians, including women and children, were killed;

2. *Expresses* its utmost concern at reports of continuing widespread human rights violations in East Timor;

3. *Invites* the Secretary-General to transmit the full report of his Personal Envoy, Mr. S. Amos Wako, to the Commission on Human Rights at its forty-ninth session;

4. *Requests* the Secretary-General, in preparing his report on the situation in East Timor for consideration by the Commission on Human Rights under item 12 of its agenda, to include an analytical compilation of all information received from, among others, Governments, intergovernmental and non-governmental organizations;

5. *Commends* the decision of the Government of Indonesia to set up a National Commission of Inquiry, but regrets that investigation of the actions of the armed forces on 12 November 1991 has not been followed through and invites the Indonesian authorities to cooperate in the preparation of the above-mentioned report of the Secretary-General by providing information on the complementary measures to bring the members of the armed forces responsible to justice;

6. *Urges* the Government of Indonesia to provide the Working Group on Enforced or Involuntary Disappearances with information regarding the missing persons;

7. *Also urges* the Indonesian authorities, on humanitarian grounds, to cooperate with the families of the victims by providing information about the dead and the whereabouts of their remains for proper burial;

8. Calls upon the Indonesian authorities to honour their commitment to facilitate access to East Timor by humanitarian and human rights organizations;

9. Decides to review the situation in East Timor at its forty-fifth session and to this end requests the secretariat to transmit to it all available information concerning the human rights situation in the territory.

34th meeting
27 August 1992
[Adopted by secret ballot by 13 votes to 6,
with 4 abstentions. See chap. VII.]

1992/21. Right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/27 of 1 September 1989, in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat to prepare a report on existing international norms and standards pertaining to the right to a fair trial,

Recalling also its resolution 1990/18 of 30 August 1990, in which it decided to entrust Mr. Chernichenko and Mr. Treat with the preparation of a study entitled, "The right to a fair trial: current recognition and measures necessary for its strengthening",

Recalling further its resolution 1991/14 of 28 August 1991, as well as resolutions 1991/43 of 5 March 1991 and 1992/34 of 28 February 1992 of the Commission on Human Rights,

Recalling finally that the right to a fair trial applies both to civil proceedings and to criminal proceedings,

Having examined the brief report on the right to a fair trial (E/CN.4/Sub.2/1990/34), the second report (E/CN.4/Sub.2/1991/29) and the third report (E/CN.4/Sub.2/1992/24 and Add.1-3) prepared by the Special Rapporteurs,

Welcoming the recommendations made by the Special Rapporteurs in section IV of their third report,

1. Expresses its appreciation to Mr. Stanislav Chernichenko and Mr. William Treat for their comprehensive third report which summarizes the Inter-American and European interpretations of the right to a fair trial as well as information on habeas corpus and amparo;

2. Requests the Special Rapporteurs to submit a fourth report analysing national practices in regard to the right to a fair trial, including information received in response to the questionnaires, to the Sub-Commission at its forty-fifth session;

3. Requests the Secretary-General to transmit the report to be prepared by the Special Rapporteurs, as soon as he receives it, to Mr. Fisseha Yimer and invites this expert to examine the report with a view to making comments thereon at the forty-fifth session of the Sub-Commission, without prejudice to the right of all members of the Sub-Commission to make comments and express their opinions on the report;

4. Looks forward to the preparation by the Special Rapporteurs of a fifth report in 1994 containing recommendations for strengthening the implementation of the right to a fair trial in the light of interpretations of the right by international bodies and contemporary national practices;

5. Urges the Special Rapporteurs to make suggestions on how the right to a fair trial might be further protected, notably by making the right, or certain aspects of the right, non-derogable, and incorporating basic fair trial guarantees into international standards, for consideration by the Sub-Commission at future sessions;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. XI.]

1992/22. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983, in which the Commission requested the Sub-Commission to give further consideration to the study on the implications for human rights of situations known as states of siege or emergency, submitted by the Special Rapporteur, Mrs. Nicole Questiaux (E/CN.4/Sub.2/1982/15),

Recalling that in the same resolution the Commission requested the Sub-Commission to propose measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially of the rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, which prohibits derogation from certain rights even in time of public emergency, Recalling Economic and Social Council resolution 1985/37 of 30 May 1985 and Sub-Commission resolution 1983/28 of 6 September 1983 concerning the question of human rights and states of emergency,

Recalling that in its resolution 1985/32 of 30 August 1985 it requested the Special Rapporteur, Mr. Leandro Despouy, to draw up and update a list of countries which proclaimed or terminated a state of emergency each year and to prepare an annual report containing reliably attested information on compliance with the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Recalling Commission on Human Rights resolution 1991/34 of 5 March 1991, in which the Commission, inter alia, invited the Sub-Commission to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon,

Having noted, at its thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third and forty-fourth sessions, the importance for the effective enjoyment of human rights of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Noting the interest expressed by many countries in receiving technical assistance from the Special Rapporteur on states of emergency and the United Nations Secretariat under the programme of advisory services in the field of human rights, and the work already done by the Special Rapporteur in this field,

Noting also the need to strengthen the observance of all non-derogable human rights, as well as the legal guarantees enabling a remedy to be sought from the competent authorities,

Noting further that in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are adopted without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

Noting with satisfaction the growing cooperation of Governments with the Special Rapporteur and the need to continue to analyse the information received by the Special Rapporteur with the greatest care,

Stressing the importance for the Special Rapporteur of using all reliable information for updating his annual reports, including the information which is available in relevant databases,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his fifth annual report and the list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1992/23);

2. Also expresses its appreciation to Governments, competent United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as competent university and academic institutions, that have submitted information and comments on the question of human rights and states of emergency, and invites them to continue to cooperate actively with the Special Rapporteur;

3. Recognizes the fundamental importance of the existence in each country of specific and effective national legislation enabling emergency situations to be dealt with in conformity with international norms and invites Governments that have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency, as explained and developed in the Special Rapporteur's various reports;

4. Invites Governments to limit the introduction of states of emergency, particularly in the case of internal unrest, exclusively to situations sufficiently serious and exceptional to justify them, in order to avoid making the use of states of emergency commonplace and thus, possibly, perpetuating them;

5. Endorses the recommendation of the Special Rapporteur (E/CN.4/Sub.2/1992/23, para. 22) that the Commission on Human Rights should propose the inclusion in the agenda of the forthcoming World Conference on Human Rights of an item entitled "Strengthening of protection of human rights during states of emergency";

6. Requests the Secretary-General, under the United Nations programme of advisory services in the field of human rights, to furnish assistance through the Special Rapporteur to States requesting it;

7. Invites the Special Rapporteur to continue the work with which he has been entrusted and to submit to the Sub-Commission, at its forty-fifth session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its forty-ninth session, will have before it the most recent and accurate information available;

8. Also invites the Special Rapporteur to continue his work on the draft guidelines for the development of legislation on states of emergency and, in particular, to examine the question of non-derogable rights;

9. Further invites the Special Rapporteur to continue and expand his contacts and to hold consultations with appropriate technical institutions and experts with a view to receiving, storing and retrieving information relating to matters relevant to his mandate;

10. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work successfully and, in particular, to process the information submitted to him in an effective way;

11. Decides to examine the updated report and list transmitted by the Special Rapporteur as a matter of priority under agenda item 10 (b), entitled "Question of human rights and states of emergency";

12. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. XI.]

1992/23. Question of the impunity of perpetrators of violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for perpetrators of violations of human rights in various regions of the world is a fundamental obstacle to the observance of human rights,

Recalling its decision 1991/110 of 29 August 1991, entitled "Question of the impunity of perpetrators of violations of human rights", in which it requested Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper on this subject,

Having considered the guidelines proposed in the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. Guissé and Mr. Joinet,

Aware of the comments that have been made for a number of years on this subject within the framework of the special procedures of the Commission on Human Rights and by the Special Rapporteurs of the Sub-Commission,

Taking note of the contributions submitted and comments made at the forty-fourth session of the Sub-Commission,

1. *Takes note with satisfaction* of the working paper prepared by Mr. Guissé and Mr. Joinet (E/CN.4/Sub.2/1992/18);

2. *Decides* to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scale of the phenomenon of impunity and to propose measures to combat that practice;

3. *Requests* the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task;

4. *Invites* Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide information on the question;

5. *Decides* to consider the preliminary report to be prepared by the Special Rapporteurs at its forty-fifth session under the item, entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

6. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. XI.]

1992/24. *Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned by the fact that a significant number of staff members of the United Nations system and other persons, including experts, special rapporteurs and consultants acting under the authority of the United Nations system have been, over the years, detained, unaccounted for or subjected to other violations of their fundamental rights contrary to the Charter of the United Nations and other international instruments,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, Commission on Human Rights resolutions 1989/28 of 6 March 1989, 1990/31 of 2 March 1990 and 1991/37 of 5 March 1991 and Sub-Commission resolutions 1987/21 of 3 September 1987, 1988/9 of 31 August 1988, 1989/30 of 1 September 1989 and 1990/20 of 30 August 1990, *Recalling also* the recommendations of the Administrative Committee on Coordination adopted in 1987,

Deploring the persistence of violations of the fundamental rights of staff members and the above-mentioned other persons of the United Nations system and other persons acting under the authority of the United Nations and the continuous threats against their security and independence, in spite of these resolutions,

Aware that human rights violations can only have a negative effect on the implementation of the mandates of the organizations of the United Nations, especially at a time when these organizations are being called upon to undertake greater responsibilities in various parts of the world,

Having noted that the health of detained officials has in some cases seriously deteriorated during their detention,

Preoccupied by the inordinate delays in communicating essential information on the detention of staff members which continue to be imposed with regard to the different organizations of the United Nations system which have the right fully to protect their staff members in the exercise of their functions,

Greatly appreciating the efforts of the Secretary-General to promote the satisfactory resolution of all cases of this kind, and noting with interest Security Council resolution 767 (1992) of 27 July 1992 in which the Council demands that all parties respect the safety and the security of the personnel of the United Nations and of other humanitarian organizations,

1. *Urges again* Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff members and other persons acting under the authority of the United Nations, as well as of their families, and appeals to the Governments of countries where United Nations staff members and comparable officials are detained to release them immediately;

2. *Requests* the Secretary-General to continue his efforts and to take every measure to ensure that the human rights and privileges and immunities of the personnel of the United Nations system, including experts, and their families are fully respected, to demand compensation and to monitor the indemnization for the harm caused to personnel and to their organizations, as well as the full reinsertion and re-education of the staff members concerned;

3. *Strongly urges* Governments and other entities holding de facto territorial power to allow physicians to examine the state of health of the staff members and experts of the United Nations system and of the members of their families who are under detention and to allow these persons to receive the necessary treatment through a physician agreed upon by the competent organizations of the United Nations system, inasmuch as possible of their own choosing;

4. Also urges Governments and other entities holding de facto territorial power, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in its resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Calls upon Governments and other entities detaining personnel of the United Nations system or the above-mentioned other persons and their families to allow the representative of the competent international organization to attend any hearing concerning them and members of their families;

6. Expresses its appreciation to the Special Rapporteur, Mrs. Mary Concepción Bautista, for the work she has carried out aimed at improving on a long-term basis the protection of personnel of the United Nations system and their families, as well as of experts and consultants;

7. Expresses its satisfaction at the recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19);

8. Recommends to the Commission on Human Rights to request the existing human rights machinery, including the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine the cases involving the human rights of the staff members of the United Nations system and their families, as well as of experts and consultants, and to transmit the relevant part of their respective reports to the Secretary-General for inclusion in his report to the Commission on Human Rights under item 10 of its agenda;

9. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. XI.]

1992/25. Application of international standards concerning the human rights of detained juveniles

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with satisfaction the final report submitted by the Special Rapporteur pursuant to its resolution 1991/16 of 28 August 1991 (E/CN.4/Sub.2/1992/20), and the addendum to the report containing the note by the Secretary-General, on the question of detained juveniles,

Concerned that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of detained juveniles have serious and far-reaching consequences for the juveniles concerned and for society,

1. Congratulates the Special Rapporteur, Mrs. Mary Concepción Bautista, on the contents of her final report;

2. Welcomes the proposal by the Secretary-General, contained in his note, to organize, in March 1993, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch on the application of international standards concerning the human rights of detained juveniles;

3. Expresses the wish that the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery be represented at the meeting of experts;

4. Requests the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts;

5. Also requests the Secretary-General to report to the Commission on Human Rights and the Sub-Commission on the results of the meeting.

35th meeting
27 August 1992
[Adopted without a vote. See chap. XI.]

1992/26. Promoting the realization of the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/26 of 29 August 1991 in which it entrusted Mr. Rajindar Sachar with the task of producing a working paper, for submission at its forty-fourth session, on the right to adequate housing with a view to determining how best to further both the recognition and the enforcement of this right, Taking note of the preliminary conclusions contained in the working paper (E/CN.4/Sub.2/1992/15),

Taking note also of the view expressed by the Special Rapporteur on the realization of economic, social and cultural rights in his first progress report (E/CN.4/Sub.2/1990/19) that virtually no analytical work had been carried out within the human rights organs of the United Nations directly concerning housing rights,

Encouraged by the adoption on 12 December 1991 of General Comment No. 4 (1991) on the right to adequate housing by the Committee on Economic, Social and Cultural Rights at its sixth session (E/1992/23, annex III),

Aware that General Comment No. 4 constitutes the first such comment adopted by the Committee on Economic, Social and Cultural Rights to examine a specific right contained in the International Covenant on Economic, Social and Cultural Rights,

Mindful of Commission on Human Rights resolution 1992/10 of 21 February 1992 in which the Commission, inter alia, took note with particular interest of General Comment No. 4 (1991) and Sub-Commission resolution 1991/26,

Welcoming the recommendation contained in the final report submitted by the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, encouraging the Sub-Commission to continue its practice of appointing special rapporteurs to study specific aspects of this category of rights (E/CN.4/Sub.2/1992/16, para. 206),

Deeply concerned that in excess of one billion persons do not enjoy the right to adequate housing and that in many States it is the already disadvantaged groups of society that are homeless or inadequately housed,

1. Expresses its appreciation to Mr. Rajindar Sachar for his working paper on the right to adequate housing, which outlines a range of issues requiring further analytical work by the United Nations human rights bodies;

2. Encourages all States to pursue effective policies and legislation aimed at creating conditions aimed at ensuring the full realization of the right to adequate housing of the entire population, concentrating on those vulnerable groups that are homeless or inadequately housed;

3. Decides to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing, and to request the Special Rapporteur to carry out a two-year study on this issue;

4. Requests the Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made in the discussion of his working paper at its forty-fourth session;

5. Encourages the Special Rapporteur to consult the widest possible variety of sources in the preparation of the progress report;

6. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his study and to compile and analyse the information and documents collected;

8. Decides to consider the first report at its forty-fifth session under the agenda item, entitled "The realization of economic, social and cultural rights".

35th meeting
27 August 1992
[Adopted without a vote. See chap. IX.]

1992/27. Human rights and extreme poverty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind Commission on Human Rights resolution 1992/11 of 21 February 1992, in which the Sub-Commission was requested to accord priority to the question of human rights and extreme poverty in its work and to report to the Commission at its forty-ninth session,

Recalling the report by Mr. Eduardo Suesún Monroy, entitled "Method and plan of work for the study on human rights and extreme poverty" (E/CN.4/Sub.2/1991/18),

1. Decides to appoint Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing the study concerned on the basis of the aspects set out by the Commission on Human Rights in its resolutions 1989/10 of 2 March 1989, 1990/15 of 23 February 1990 and 1991/14 of 22 February 1991, bearing particularly in mind the approach defined in Commission resolution 1992/11, and requests him to submit a preliminary report on the question to the Sub-Commission at its forty-fifth session;

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, the specialized agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. *Also requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate including, as appropriate, assistance from consultants with specialized knowledge of the subject;

4. *Requests* the Special Rapporteur to contribute, as appropriate, to the transmittal of any useful information on the question of human rights and extreme poverty to the World Conference on Human Rights;

5. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VII.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. IX.]

1992/28. *Human rights dimensions of population transfer, including the implantation of settlers and settlements*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1990/17 of 30 August 1990 and 1991/28 of 29 August 1991, in which it decided to include the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter,

Noting that the implantation of settlers and the removal of people received explicit attention in various country-specific resolutions adopted by the Sub-Commission in 1991, 1990 and previously, as well as in the second progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1992/37),

Concerned that population transfer policies have affected and continue to affect numerous countries and peoples, as well as minorities, throughout the world,

Considering that the policy and practice of population transfer, including the removal of people and the implantation of settlers, particularly where induced or conducted by Governments and occupying authorities, invariably have serious consequences for the enjoyment or constitute a serious violation of the human rights of the people removed, the original inhabitants of the countries and territories concerned, as well as the settlers,

Recalling the rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the

Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular the right to freedom of movement, to choose one's residence and to leave any country and to return to one's country, the right to be free from arbitrary interference with one's privacy, family or home, the right to an adequate standard of living, the inherent right to life, the right to liberty and security of person, the right of all peoples freely to determine their political status and freely to pursue their economic, social and cultural development and freely to dispose of their natural wealth and resources,

Recalling also the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide, which includes in its definition of the act of genocide deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part,

Aware that the practice of population transfer inherently leads to widespread and systematic discrimination,

Conscious that population transfer may constitute part of a general policy directed against distinct ethnic, racial or religious groups and may be motivated by strategic, demographic, military and political aims of imposing effective control over and assimilation of nations and peoples,

Disturbed by reports concerning the implantation of settlers and settlements in certain countries, including occupied territories, with the aim of changing the demographic structure and the political, cultural, religious and other characteristics of those countries or with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such,

Especially disturbed by reports of deliberate policies towards distinct ethnic, racial or religious groups, of so-called ethnic cleansing and demographic manipulation in certain countries,

Recalling that article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, states that the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies,

Noting with deep concern that this practice is a significant factor in the origin and deepening of ethnic unrest and conflict, which contribute towards increasing social, economic, political and cultural instability, thereby threatening world peace and security,

Having in mind that the draft Code of Crimes against the Peace and Security of Mankind currently being elaborated by the International Law Commission states, in article 21, that compulsory population transfer constitutes an international crime,

1. *Recognizes* that practices of population transfer constitute a violation of fundamental human rights;

2. Entrusts Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

3. Requests the Special Rapporteurs to examine, in the preliminary study, the policy and practice of population transfer, in the broadest sense, with a view to outlining the issues to be analysed in further reports, in particular the legal and human rights implications of population transfer and the application of existing human rights principles and instruments;

4. Requests the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study;

5. Encourages the Special Rapporteurs, in preparing the preliminary study, to examine the widest possible variety of sources, including information received from non-governmental and other relevant organizations;

6. Requests the Special Rapporteurs to submit the preliminary study to the Sub-Commission at its forty-fifth session, for consideration of, *inter alia*, how most effectively to proceed and take effective further action on the issue of population transfer;

7. Requests Mr. Asbjørn Eide, in his study on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities, to address, in his next report, the impact of population transfer on the rights of minorities;

8. Recommends to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. IX.]

1992/29. Realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that, in accordance with the Universal Declaration of Human Rights, the Proclamation of Tehran and General Assembly resolution 32/130 of 16 December 1977, equal attention and urgent consideration should be given to

16 December 1977, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Concerned at the negative effects of structural adjustment programmes upon the realization of economic, social and cultural rights,

Taking note of Commission on Human Rights resolution 1992/10 of 21 February 1992,

Welcoming the contacts established by the Special Rapporteur with international financial institutions, including the World Bank and the International Monetary Fund, and the dialogue which has started between these institutions and the human rights bodies,

Taking note of the Human Development Report 1992 of the United Nations Development Programme and the World Development Report 1992 of the World Bank,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Danilo Türk, for his final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16) and endorses the recommendations contained in paragraphs 202 to 246;

2. Urges the international and financial institutions, in particular the World Bank and the International Monetary Fund, to take greater account of the adverse impacts of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights;

3. Also urges the international financial institutions to continue, on an ongoing basis, their full participation in the work and debates of the human rights bodies of the United Nations and to take into account the recommendations contained in paragraphs 231 to 243 of the final report of the Special Rapporteur;

4. Urges all States to take serious note of and act upon the recommendations contained in paragraphs 218 to 230 of the final report of the Special Rapporteur;

5. Encourages the United Nations Development Programme, the World Bank and other international programmes and agencies to cooperate with the Centre for Human Rights in devising a consistent approach to the selection and use of indicators in the field of human rights with a view to developing a methodology for assessing the impact of development programmes on the enjoyment of human rights;

6. Notes with appreciation the approval by the Commission on Human Rights in its resolution 1991/18 of 1 March 1991 and the Economic and Social

Council in its decision 1991/235 of 31 May 1991 of the convening of a United Nations expert seminar on the use of social and economic indicators in monitoring the realization of economic, social and cultural rights, and recommends that the study on the realization of economic, social and cultural rights, as prepared by the Special Rapporteur, be included in the documentation for the seminar;

7. Encourages expert members of the Sub-Commission and the Committee on Economic, Social and Cultural Rights, as well as technical experts from the Department of Economic and Social Development, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Research Institute for Social Development, the specialized agencies and the World Bank to participate in the seminar;

8. Invites the United Nations Statistical Office to collaborate with the Centre for Human Rights in preparing, for the use of the seminar and of the Sub-Commission, a list of statistical indicators currently available in the United Nations system, organized in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, and of recommendations for additional relevant indicators which may be collected through existing mechanisms;

9. Decides to consider, at its forty-fifth session, the possibility of examining in a future study the subject of income distribution and the realization of economic, social and cultural rights and the issue of the justiciability of economic, social and cultural rights;

10. Requests the Commission on Human Rights:

(a) To forward its views to the Committee on Economic, Social and Cultural Rights as to the practical feasibility of drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting individuals and groups the right to submit communications alleging non-compliance by States parties, whether by act or omission, with the provisions of the Covenant;

(b) To consider the desirability of appointing thematic rapporteurs entrusted with investigating economic, social and cultural rights and reporting thereon;

11. Requests the Secretary-General:

(a) To ensure the widest possible distribution of the progress reports of the Special Rapporteur throughout the United Nations system, especially among programmes and agencies with mandates in the economic, social and cultural fields, including the Administrative Committee on Coordination, the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank and the International Monetary Fund;

(b) To prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions;

(c) To invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights, examining in particular the creation of a United Nations system-wide approach to internationally recognized human rights;

(d) To inform the Sub-Commission, at its forty-fifth session, of the progress achieved in the implementation of the recommendation contained in paragraph 217 of the final report of the Special Rapporteur.

35th meeting
27 August 1992
[Adopted without a vote. See chap. IX.]

1992/30. Support for the recommendations of the Pan-African Conference on Democracy and Management of the Transition in Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having taken note of the deliberations of the Pan-African Conference on Democracy and Management of the Transition in Africa, held in Dakar from 25 to 28 May 1992 and attended by more than 200 political leaders from 42 African countries and by prominent figures from all parts of the world,

Noting the innovative and particularly productive character of that meeting, which, for the first time, enabled leaders of political parties in power and of opposition movements to call a truce in their ruthless struggle to gain or retain power and to reflect together on the future of Africa,

Observing that the discussions focused on the following three basic themes: (a) What kind of democracy and what kind of transition for Africa?; (b) The imperative need for development as a basis for democracy; and (c) The instruments for the promotion of democracy and management of the transition,

1. Takes note with interest of the observations and conclusions contained in the final resolution of the Dakar Conference;

2. Notes in particular the undertaking by participants to respect the fundamental principles of democracy, namely (a) freedom of expression, association and initiative; (b) separation of powers; (c) political pluralism, trade-union pluralism and media pluralism; (d) respect for human rights; (e) free and democratic elections; and (f) democratic alternation in power, principles described as the basis for a successful transition;

3. Notes that, in order to ensure the normal functioning of institutions, the Dakar Conference recommended:

(a) A statute for opposition movements as an essential cog in the machinery of democracy, with official recognition of their right to alternation in power, entailing the unrestricted exercise of public freedoms, the right to participate in all elections, the right to free and democratic elections, the right to monitor all phases of the electoral process and the right of access to the media, without discrimination;

(b) A statute for former heads of State who agree to abide by the rules of the democratic process, to submit to the will of the people and leave office on the basis of the results of elections or of a personal decision

(c) A national charter embodying the solemn undertaking of all political actors to opt for peaceful transition in observance of the rules of the democratic process, the sovereignty of the people and pluralism;

(d) A definition of the role and status of the Army so that, like all other institutions of the State, it confines itself to its traditional tasks of defending territorial integrity and carrying out specific development missions or providing assistance to endangered democracies, in the framework of regional mechanisms, the organization of which remains to be determined;

(e) Elections as the only means of access to power, for a smooth changeover from a single-party regime to a democratic regime, and supervision of the electoral process by a joint monitoring body, comprising representatives of both the authorities and the political parties concerned;

4. Also notes the views of the Dakar Conference;

5. Further notes that the participants undertook to reflect on the ways of ensuring a continuing national dialogue among economic actors to permit broad reflection and consensus in the formulation of economic policy, and that they emphasized the importance of individual initiative and ways of preserving and developing the economic and industrial fabric of Africa;

6. Welcomes with satisfaction the Dakar Conference's recognition of the importance of regional economic integration, which, in conjunction with genuine political cooperation, can pave the way for the establishment of far-reaching African undertakings;

7. Notes that the Dakar Conference recommended the establishment of structures to remedy any dysfunctions in African democracies, namely:

(a) The establishment of a Pan-African transition monitoring mechanism;

(b) The establishment of an African mediation committee to settle political disputes and armed conflicts, under the aegis of the leaders of African political parties and able to intercede at the express request of all the parties to a conflict;

(c) The institutionalization of a general conference of African political parties;

8. Congratulates the organizers of the Dakar Conference on their successful initiative and suggests that they disseminate the findings as widely as possible, including to the competent international authorities;

9. Encourages the participants to put the result of their fruitful deliberations into practice and to follow it up by calling on all political actors in Africa to contribute actively to that process in the future.

35th meeting
27 August 1992
[Adopted without a vote. See chap. V.]

1992/31. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/7 of 30 August 1990, in which it entrusted Ms. Fatma Zohra Ksentini with the task of undertaking a study on human rights and the environment,

Recalling also Commission on Human Rights resolution 1991/44 of 5 March 1991 in which the Commission endorsed the decision of the Sub-Commission, and Economic and Social Council decision 1991/244 of 31 May 1991, in which the Council approved the endorsement of Ms. Ksentini as Special Rapporteur to prepare a study on human rights and the environment,

Recalling further its resolution 1991/24 of 29 August 1991, in which it requested the Special Rapporteur to prepare for the Sub-Commission, at its forty-fourth session, a progress report on the subject,

1. Takes note with appreciation of the progress report on human rights and the environment (E/CN.4/Sub.2/1992/7 and Add.1) submitted by Ms. Ksentini pursuant to Sub-Commission resolution 1991/24 of 29 August 1991 and Commission on Human Rights decision 1992/110 of 28 February 1992;

2. Requests the Special Rapporteur to continue her study on human rights and the environment taking into account, inter alia, the comments made at the forty-fourth session of the Sub-Commission on her preliminary and progress reports (E/CN.4/Sub.2/1991/8 and E/CN.4/Sub.2/1992/7 and Add.1), as well as developments in this field relevant to the study;

3. Also requests the Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a second progress report containing additional information on and an analysis of decisions and views of international human rights organs and other relevant organs, as well as information on and an analysis of national law and practice, and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations;

4. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations to provide the Special Rapporteur with information relevant to the preparation of her report;

5. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study, and the necessary assistance to compile and analyse the information and documents collected;

6. Decides to consider the second progress report at its forty-fifth session under the agenda item, entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

7. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 7.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. V.]

1992/32. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/13 of 31 August 1989, in which it decided to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms,

Recalling also its resolution 1991/25 of 29 August 1991, in which it requested the Special Rapporteur to submit to the Sub-Commission, at its forty-fourth session, a second progress report containing additional information on and an analysis of relevant decisions and views of international human rights organs, as well as information on and an analysis of national law and practice, and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations,

1. Takes note with appreciation of the second progress report (E/CN.4/Sub.2/1992/8) submitted by the Special Rapporteur, Mr. Theo van Boven, pursuant to its resolution 1991/25;

2. Requests the Special Rapporteur to continue his study, taking into account, inter alia, the comments made in the discussion on the preliminary and progress reports (E/CN.4/Sub.2/1990/10, E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8), and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

35th meeting
27 August 1992
[Adopted without a vote. See chap. V.]

1992/33. Draft universal declaration on indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/22 of 29 August 1985, in which it endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which might be proclaimed by the General Assembly,

Recalling also its resolution 1991/30 of 29 August 1991, in which it expressed its appreciation to the Working Group for the significant and substantive progress made at its ninth session in carrying out its standard-setting mandate, and recommended that the Working Group be authorized to meet for 10 working days prior to the forty-fourth session of the Sub-Commission for the purpose of continuing the substantial progress made towards the completion of the draft declaration in consultation with Governments and organizations of indigenous peoples,

Bearing in mind resolution 1992/44 of 3 March 1992 of the Commission on Human Rights in which the Commission welcomed resolution 1991/30 of the Sub-Commission,

Convinced that the Working Group can fulfil its standard-setting task only if it enjoys the greatest possible direct participation of and consultation with interested Governments and intergovernmental and non-governmental organizations and, in particular, with representatives of indigenous peoples,

Emphasizing the decision of the Working Group at its first session that both English and Spanish are indispensable as working languages,

Reiterating the importance of taking further measures to ensure that the activities of the Working Group are better known in every country, in accordance with Commission on Human Rights resolution 1983/23 of 4 March 1983, as well as measures to make information on human rights standards and machinery available to indigenous peoples in their own languages,

Noting with appreciation and satisfaction the revised working paper on the text of the draft declaration (E/CN.4/Sub.2/1992/28) prepared by the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, as well as the report and recommendations of the Working Group on its tenth session (E/CN.4/Sub.2/1992/33 and Add.1),

Welcoming the concrete proposals and recommendations submitted to the Working Group by Governments, intergovernmental organizations and organizations of indigenous peoples,

Reaffirming its deep satisfaction at the continued and increased constructive participation of representatives of observer Governments, indigenous peoples, specialized agencies and non-governmental organizations in the annual sessions of the Working Group, and at the efforts of the Chairperson-Rapporteur to encourage and promote further dialogue between Governments and indigenous peoples at the national level in various parts of the world,

Convinced of the urgent need to promote and protect the rights of indigenous peoples, including by means of a continued and comprehensive review of developments in this field, as well as through the development and application of standards,

1. Expresses its appreciation to the Working Group on Indigenous Populations and especially to its Chairperson-Rapporteur, Mrs. Erica-Irene Daes, for the significant further progress made at its tenth session in carrying out its standard-setting mandate, in particular the completion of the first reading of the text of the draft universal declaration of the rights of indigenous peoples (E/CN.4/Sub.2/1992/33, annex I);

2. Endorses the plan adopted by the Working Group in the conclusions and recommendations contained in its report (E/CN.4/Sub.2/1992/33, chap. VI) for the completion of the second reading of the text of the draft declaration at its eleventh session and the possible submission of the draft declaration to the Sub-Commission at its forty-fifth session;

3. Welcomes the contributions made by Governments, individuals, indigenous peoples, intergovernmental and non-governmental organizations to

the United Nations Voluntary Fund for Indigenous Populations, which was able to facilitate the participation of a large number of representatives of indigenous peoples in the tenth session of the Working Group, and appeals for continuing and increased financial support for the activities of the Fund;

4. Appeals once again to Governments and non-governmental organizations to consider making contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, with the aim of supporting projects of direct benefit to indigenous peoples, including providing information and training directly to indigenous organizations and communities;

5. Recommends that the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, be entrusted with the task of further elaborating the paragraphs of the draft universal declaration which were agreed upon at second reading and circulating these paragraphs to the members of the Working Group for their comments and suggestions;

6. Invites the Working Group to make written recommendations to the Sub-Commission on ways of ensuring full indigenous participation in the consideration of the draft declaration by higher bodies of the United Nations, as well as on the eventual implementation of the declaration, in particular as this concerns the future role of the Working Group;

7. Requests the Secretary-General:

(a) To transmit the report of the Working Group on its tenth session to Governments, indigenous peoples, and intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for written comments and suggestions on the draft universal declaration;

(b) To transmit the revised and reorganized text of the draft declaration, prepared pursuant to paragraph 5 of the present resolution, to Governments, indigenous peoples, and intergovernmental and non-governmental organizations well in advance of the eleventh session of the Working Group;

(c) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish;

(d) To continue to organize regional training courses for indigenous peoples on the United Nations, human rights and indigenous peoples' rights, especially in Latin America, Asia and the Pacific regions;

(e) To seek the necessary resources to convene at least one of the future sessions of the Working Group in Latin America, Asia or the Pacific region;

(f) To give all necessary assistance to the Working Group in discharging its tasks, including more complete and thorough dissemination of information about its activities to indigenous peoples in every country, including all organizations that have participated in the sessions of the Working Group, in order to encourage their continued and wider participation;

8. Expresses the sincere hope that the Department of Public Information of the United Nations Secretariat will make every effort to develop a more comprehensive programme of translating and publishing basic human rights instruments, including the declaration on the rights of indigenous peoples, into indigenous languages and to approve systematic coverage of the Working Group by the Press Unit in Geneva of the Working Group's meetings;

9. Recommends that the reports of the Working Group be made available to the Commission on Human Rights and to the Economic and Social Council at each of their sessions;

10. Regrets the delay in the submission of the second substantive report on transnational investments and operations on the lands of indigenous peoples (E/CN.4/Sub.2/1992/54) by the Transnational Corporations and Management Division of the United Nations Secretariat and reaffirms the great importance it attaches to the continuing refinement, expansion and improvement of the database pursuant to its resolutions 1989/35 of 1 September 1989 and 1990/26 of 31 August 1990, and invites the Transnational Corporation and Management Division to submit annual reports summarizing the information received together with analyses, conclusions and recommendations;

11. Expresses its appreciation to the States participating in the Conference on Security and Cooperation in Europe for their agreement that human rights and fundamental freedoms apply fully and without discrimination to indigenous peoples;

12. Authorizes the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, to continue to monitor the relevant activities of the Conference on Security and Cooperation in Europe and other regional organizations in this field, with a view to encouraging the consistency of evolving standards;

13. Welcomes the holding of the First World Indigenous Youth Conference at Quebec City, Canada, in July 1992 and looks forward with great interest to the Second World Indigenous Youth Conference at Darwin, Australia, in 1993, and expresses the hope that youth will play a growing and more dynamic role in the activities of the United Nations in this field;

14. Also welcomes the reports and recommendations of the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples held at Nuuk, Greenland (E/CN.4/1992/42) and the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples held at Santiago, Chile (E/CN.4/Sub.2/1992/31), and recommends to the Commission on Human Rights that

it approve the publication and widest possible distribution of these reports as part of the World Public Information Campaign for Human Rights;

15. Recommends that future United Nations seminars and expert meetings on indigenous issues continue to be convened in regions and countries where there are the greatest numbers of indigenous peoples, and that they continue to involve on an equal footing experts nominated by organizations of indigenous peoples and experts nominated by Governments;

16. Expresses its profound concern over the inadequacy of the resources which are currently allocated to its meetings and related activities and appeals to the Secretary-General to remedy this situation, in particular through the recruitment of indigenous professionals, and to consider the establishment of an independent unit of the Centre for Human Rights on indigenous peoples, in particular during the International Year for the World's Indigenous People;

17. Decides to examine these issues at its forty-fifth session as a matter of high priority, under the agenda item, entitled "Discrimination against indigenous peoples";

18. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

35th meeting
27 August 1992
[Adopted without a vote. See chap. XVI.]

1992/34. International Year for the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Recalling General Assembly resolution 45/164 of 18 December 1990 proclaiming 1993 as International Year for the World's Indigenous People, and welcoming General Assembly resolution 46/128 of 17 December 1991 adopting the theme "Indigenous people - a new partnership" and the Programme of activities for the International Year for the World's Indigenous People;

Recalling also Economic and Social Council resolution 1988.35 of 27 May 1988 encouraging all States to ensure that educational and informational activities, including national celebrations, give an accurate interpretation of history and do not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples,

Convinced that all United Nations operational bodies and specialized agencies should make practical contributions to protecting the rights and improving the conditions of indigenous peoples through direct cooperation with organizations and communities of indigenous peoples, particularly in the developing countries;

Mindful of the recommendations made in the second working paper (E/CN.4/Sub.2/1991/39) submitted by Mr. Asbøjrn Eide and Ms. Christy Mbonu,

Taking account of the report, and in particular the recommendations, of the Working Group on Indigenous Populations on its tenth session (E/CN.4/Sub.2/1992/33 and Add.1) and the relevant discussions, proposals and conclusions of the technical meetings convened by the Coordinator of the International Year for considering matters of special interest to the indigenous peoples,

Taking account also of the conclusions of the First World Indigenous Youth Conference, held at Quebec City, Canada, in July 1992, and of the importance of strengthening the role of indigenous youth in world affairs,

Noting that the World Conference on Human Rights will take place during the International Year for the World's Indigenous People and that there is an imperative need for the Conference to consider, inter alia, issues related to the rights of indigenous peoples,

1. Emphasizes the fundamental importance of the effective participation of indigenous peoples in every aspect of decision-making concerning the International Year for the World's Indigenous People at the national, regional and international levels;

2. Appeals with a sense of urgency to Governments, intergovernmental and non-governmental organizations, and international educational and business institutions to contribute generously to the voluntary fund established to support United Nations projects and activities for the International year;

3. Authorizes the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene Daes, to represent the Sub-Commission at the opening ceremonies for the International Year in New York;

4. Urges the Preparatory Committee for the World Conference on Human Rights to consider convening a special preparatory meeting for indigenous peoples early in 1993;

5. Recommends that the Preparatory Committee for the World Conference on Human Rights ensures that indigenous peoples are able to participate

effectively in the Conference without regard to consultative status, and also recommends that the Chairperson-Rapporteur of the Working Group on Indigenous Populations be invited to participate in the Conference in her capacity as Chairperson-Rapporteur of the Working Group;

6. Recommends that the United Nations University establish affiliations with indigenous educational institutions and that United Nations International Schools invite indigenous youth to participate in their programmes of instruction, so as to build awareness of indigenous peoples among non-indigenous youth;

7. Reaffirms that importance of the expert evaluation of the International Year by Ms. Christy Mbonu and expresses the hope that this will be taken into account by the Coordinator of the International year within the framework of paragraph 8 of commission on Human Rights resolution 1992/45 of 3 March 1992 and paragraph 12 of General Assembly resolution 46/128;

8. Recommends that Ms. Mbonu be invited to participate in the opening ceremonies for the International Year in New York;

9. Requests the Secretary-General to draw the present resolution to the attention of the Coordinator of the International Year, the Chairperson of the Preparatory Committee for the World Conference on Human Rights, the United Nations University and United Nations International Schools.

35th meeting
27 August 1992
[Adopted without a vote. see chap.XVI.]

1992/35. Cultural and intellectual property of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991, in which it decided to entrust Mrs. Erica-Irene Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples,

Reiterating its concern at the extensive international traffic in indigenous cultural property, which undermines the ability of indigenous peoples to pursue their own political, economic, social, religious and cultural development in conditions of freedom and dignity,

Conscious that indigenous peoples continue to experience difficulties in utilizing national and international mechanisms for the recovery of their cultural property because, inter alia, their own laws defining cultural property and forbidding its alienation are not documented or respected, Welcoming the concise report of the Secretary-General on intellectual property of indigenous peoples (E/CN.4/Sub.2/1992/30), prepared pursuant to its resolution 1991/31,

Mindful of the conclusions and recommendations of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples and the Environment (E/CN.4/Sub.2/1992/31) concerning the intellectual property of indigenous peoples,

Aware of the importance attached by the United Nations Conference on Environment and Development to the traditional knowledge of indigenous peoples,

Guided by the conclusions and recommendations of the Working Group on Indigenous Populations at its tenth session (E/CN.4/Sub.2/1992/33) based, in particular, on the relevant discussions of the Working Group at its ninth and tenth sessions,

Convinced that there is a relationship, in the laws or philosophies of indigenous peoples, between cultural property and intellectual property, and that the protection of both is essential to the indigenous peoples' cultural and economic survival and development,

Reaffirming the important catalytic role to be played by the Working Group on Indigenous Populations within the United Nations system in finding ways for all bodies and specialized agencies to contribute to the promotion and protection of the rights of indigenous peoples within their respective areas of competence,

Believing that the United Nations can make a significant contribution to the recognition, promotion and restoration of the rights of indigenous peoples by securing respect for the control and full enjoyment by these people of their own cultural, religious, literary and scientific achievements,

1. Welcomes Economic and Social Council decision 1992/256 of 20 July 1992 approving its recommendation that Mrs. Erica-Irene Daes be appointed Special Rapporteur to prepare a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples;

2. Requests the Special Rapporteur to include in her study, inter alia, a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property, and preliminary views on the feasibility of developing a United Nations manual of indigenous laws in this field;

3. Recommends that the Special Rapporteur also include a consideration of the relationship between indigenous cultural and intellectual property, as well as recommendations for further research and action on intellectual property;

4. Also recommends that the title of the study should be revised to "Protection of the cultural and intellectual property of indigenous peoples";

5. Reaffirms that the study should be prepared in direct cooperation with indigenous peoples, and authorizes the Special Rapporteur to collect relevant information and data from Governments, the specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization, intergovernmental organizations and non-governmental organizations, as well as indigenous peoples' organizations and communities;

6. Invites United Nations Educational, Scientific and Cultural Organization and World Intellectual Property Organization to contribute to the work of the Special Rapporteur in their respective areas of competence;

7. Urges the United Nations Development Programme and other competent United Nations bodies and specialized agencies to give priority consideration to projects aimed at strengthening the capacities of indigenous peoples to carry out ecological and medical research and studies and to improve their control over research conducted within their territories;

8. Requests the Secretary-General to give the Special Rapporteur all the assistance she may require to complete these tasks successfully.

35th meeting
27 August 1992
[Adopted without a vote. See chap.XVI.]

1992/36. Relocation of Navajo and Hopi families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1989/37 of 1 September 1989 and 1990/34 of 31 August 1990 concerning the relocation of Navajo and Hopi families from northern Arizona in the United States of America,

Recalling also the reports prepared by Ms. Erica-Irene Daes and Mr. John Carey (E/CN.4/Sub.2/1989/35, part I and part II and Add.1) pursuant to its decision 1988/105 of 1 September 1989,

Mindful of the conclusions contained in the working paper on the human rights dimensions of population transfer, including the implantation of settlers and settlements prepared by Ms. Christy Mbonu (E/CN.4/Sub.2/1981/47), with respect to the impact of such activities on the enjoyment of human rights,

1. Recommends that members of the Navajo Nation and Hopi Tribe participate in court-ordered mediation to seek a peaceful settlement of the situation;

2. Expresses the hope that mediation will result in a settlement that respects the rights and dignity of the families directly affected;

3. Appeals to the Government of the United States of America to ensure, through cooperation with the courty-appointed mediator, that no further relocation of these families takes place;

4. Requests the mediator to submit all relevant information regarding the human rights aspects of the case in question and the outcome of the mediation to the Sub-Commission at its forty-fifth session.

35th meeting
27 August 1992
[Adopted without a vote. See chap.XVI.]

1992/37. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Preevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1988/36 of 1 September 1988, 1989/44 of 1 September 1989, 1990/5 of 23 August 1990 and 1991/22 of 28 August 1991;

Reiterating its concern at the serious problems arising throughout the world from inter-ethnic and inter-group conflicts involving, in particular, minorities,

Convinced that the Sub-Commission can best contribute to preventing large-scale human rights problems in situation involving minorities by studying and proposing positive measures for the protection of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Having considered the second progress report submitted by the Special Rapporteur, Mr. Asbjørn Eide, at its forty-forth session (E/CN.4/Sub.2/1992/37 and Add.1 and 2),

1. Expresses its profound appreciation to the Special Rapporteur for the thorough analysis and the application made of the guidelines established for the study;

2. Affirms the need to assign high priority and adequate resources to the collection and evaluation of relevant information;

3. Requests the Secretary-General to prepare, with the cooperation of the Special Rapporteur, the technical meeting of experts on minorities, as provided for in decision 1992/112 of 3 March 1992 of the Commission on Human Rights, with a view to it taking place at the end of 1992;

4. _Requests_ the Special Rapporteur to continue his consultations with States, which may also include visits to countries at the invitation of Governments, as provided for in Commission on Human Rights decision 1992/112 of 3 March 1992;

5. _Also requests_ the Special Rapporteur, in finalizing his report, to take into consideration the views expressed and the comments made by members of the Sub-Commission and the replies submitted by Governments, specialized agencies and non-governmental organizations:

6. _Further requests_ the Special Rapporteur to submit his final report to the Sub-Commission at its forty-fifth session;

7. _Requests_ the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to complete his study successfully.

35th meeting
27 August 1992
[Adopted without a vote. See chap. XIX.]

1992/38. _Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1990/23 of 30 August 1990 in which it entrusted Mr. Louis Joinet with the preparation of a report on the independence of the judiciary,

Recalling also General Assembly resolution 45/166 of 18 December 1990 welcoming the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and inviting Governments to respect them and take them into account within the framework of their national legislation and practice,

Taking note of General Assembly resolution 46/120 of 17 December 1991 in which the Assembly, welcoming the recommendations contained in the first report of the Special Rapporteur (E/CN.4/Sub.2/1991/30 and Add.1-4) and endorsed by the Sub-Commission and also welcoming the decision of the Sub-Commission to entrust Mr. Joinet with the preparation of a further report, reaffirmed the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice, Welcoming the request by the General Assembly to the Secretary General in its resolution 46/120 to strengthen cooperation between the United Nations Centre for Human Rights and the United Nations Centre for Social Development and Humanitarian Affairs in the field of human rights in the administration of justice,

Recalling Economic and Social Council decision 1992/229 of 20 July 1992 approving Commission on Human Rights resolution 1992/33 of 28 February 1992 in which the Commission endorsed the decision of the Sub-Commission to entrust the Special Rapporteur with the preparation of a further report, as described in Sub-Commission resolution 1991/35 of 29 August 1991,

1. Takes note with appreciation of the report on the independence of the judiciary and the protection of practising lawyers, prepared by the Special Rapporteur, Mr. Louis Joinet, pursuant to Sub-Commission resolution 1991/35 (E/CN.4/Sub.2/1992/25 and Add.1);

2. Endorses the recommendation contained in paragraph 10 of the addendum to the report;

3. Calls upon Governments to strengthen the independence of the judiciary and the protection of practising lawyers, as fundamental elements in the protection of human rights;

4. Decides to entrust the Special Rapporteur with a preparation of a report;

(a) To bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards;

(b) To propose specific recommendations regarding the independence of the judiciary and the protection of practising lawyers to be taken into account in the advisory services and technical assistance programmes and projects of the United Nations and, in that regard, to follow up the recommendations contained in his first report (E/CN.4/Sub.2/1991/30 and Add.1-4);

(c) To examine the ways and means of enhancing cooperation and avoiding overlapping and duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(d) To elaborate on the recommendations contained in his report (E/CN.4/Sub.2/1992/25/Add.1).

5. Requests the Secretary-General to transmit the present resolution to Governments, intergovernmental and non-governmental organizations, including professional associations of judges and lawyers, requesting specific

information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession;

6. *Also requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task;

7. *Decides* to consider the report of the Special Rapporteur under the agenda item, entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers", at its forty-fifth session;

8. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VIII.]

36th meeting
28 August 1992
[Adopted without a vote. See chap. XII.]

1992/39. *Arms production and trade and human rights violations*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that the primary function of the United Nations is to promote international peace and security,

Recalling the purposes and principles of the Charter of the United Nations as well as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Deeply concerned at the large and increasing number of armed conflicts both within and between States Members of the United Nations,

Conscious of the fact that instability and armed conflict seriously undermine respect for and the full realization of civil, political, economic, social and cultural rights,

Welcoming various efforts towards the peaceful settlement of disputes under United Nations auspices,

Alarmed by reliable reports of ongoing and flagrant violations of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 by States parties engaged in armed conflict,

Welcoming the adoption by the General Assembly of its resolution 46/36 H of 6 December 1991 in which the Assembly, promoting the concept of transparency and recognizing that international arms transfers and production and the illicit arms trade lead to the violation of human rights, urged Member States to monitor and control arms transfers effectively in order to eradicate the illicit arms trade,

Taking note of the fact that, pursuant to its resolution 46/36 L of 9 December 1991, the General Assembly requested the Secretary-General, with the assistance of a panel of governmental technical experts, to elaborate the technical procedures and to make any adjustments to the Register of Conventional Arms contained in the annex to the resolution necessary for the effective operation of the Register, and to prepare a report on the modalities for early expansion of the scope of the Register by the addition of further categories of equipment and inclusion of data on military holdings and procurement through national production, and to report to it at its forty-seventh session,

Bearing in mind that the reduction of world military expenditures would have a significant positive impact on the social and economic development of all peoples,

1. Appeals to all States Members of the United Nations to give every assistance to the Secretary-General in maintaining the Register of Conventional Arms, as set out in the annex to General Assembly resolution 46/36 L of 9 December 1991;

2. Also appeals to Member States to take into account the potentially negative impact of excessive and destabilizing accumulation of arms and arms exports and imports upon the enjoyment and full realization of human rights;

3. Urges States to incorporate human rights criteria into any and all international transactions involving the sale or provision of arms or other military materials to other States or groups involved in armed conflict and, inter alia, to require such arms and materials to be used for self defence, in accordance with the Charter of the United Nations, or for the maintenance of law and order in a democratic society;

4. Reiterates the appeal made by the General Assembly in its resolution 46/36 H of 6 December 1991 to all Member States to ensure effective control over their weapons and military equipment and their arms imports and exports to prevent them from getting into the hands of parties engaged in the illicit arms trade;

5. Recommends that the Commission on Human Rights request the General Assembly, through the Economic and Social Council, to consider inviting Member States to approve as soon as possible the elaboration and expansion of the Register of Conventional Arms to cover national production, and in particular to extend the Register to cover small arms and unconventional weapons in order to discourage all production of and trade in arms and weaponry, which are the major instrumentalities for grave and massive violations of human rights, including deprivation of the right to life, infringements of the security of the person, the subjection of persons to cruel or inhuman treatment and the destruction of the family;

6. Recommends that the Commission on Human Rights request the Secretary-General to prepare, in consultation with the United Nations Development Programme, the World Bank and specialized institutions in the area of peace and disarmament, and with any other relevant bodies, an in-depth study on the positive impact on the promotion of human rights, in particular economic, social and cultural rights, of a 10 per cent reduction in world armament expenditure, the savings from which should be allocated to development, especially of developing countries.

36th meeting
28 August 1992
[Adopted without a vote. See chap. V.]

B. Decisions

1992/101. Establishment of a sessional working group on detention

At its 2nd meeting, on 4 August 1992, the Sub-Commission decided, without a vote, to establish a sessional working group on detention.

[See chap. III.]

1992/102. Organization of work

At its 2nd meeting, on 4 August 1992, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quirós, to submit his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1992/10);

(b) In connection with item 4 and 8: Mr. Danilo Türk, to submit an updated report on the right of freedom of opinion and expression together with Mr. Louis Joinet (item 4) (E/CN.4/Sub.2/1992/9 and Add.1) and to submit his final report on the realization of economic, social and cultural rights (item 8) (E/CN.4/Sub.2/1992/16);

(c) In connection with item 10 (a): Mrs. Mary Concepción Bautista, to submit a final report on measures to protect the human rights of United Nations staff members and their families (E/CN.4/Sub.2/1992/19) and to submit an updated report on the application of international standards concerning the human rights of detained juveniles (E/CN.4/Sub.2/1992/20);

(d) In connection with item 10 (d): Mr. William Treat, to submit his third report on the right to a fair trial together with Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1992/24 and Add.1-3);

(e) In connection with item 14: Mr. Murlidhar Bhandare, to submit a working paper on the interrelationship between human rights and international peace (E/CN.4/Sub.2/1991/32 and Corr.1);

(f) In connection with item 17: Mr. Dimitru Mazilu, to submit a final report on human rights and youth (E/CN.4/Sub.2/1992/36);

(g) In connection with the report on the forty-eighth session of the Commission on Human Rights: Mr. Pál Solt, Chairman of the forty-eighth session of the Commission on Human Rights (E/1992/24-E/CN.4/1992/84).

[See chap. III.]

1992/103. Situation of human rights in Yugoslavia

At its 14th meeting, on 13 August 1992, the Sub-Commission decided, without a vote, to adopt the following text:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities, meeting at its forty-fourth session, noting the convening of the special session on the former Yugoslavia of the Commission on Human Rights, taking into account that the right to life and other fundamental human rights are being extensively violated in the former Yugoslavia and conscious that the protection of different ethnic groups is at the core of the mandate of the Sub-Commission,
>
> "Expresses its horror and its total and unqualified condemnation of policies of so-called 'ethnic cleansing', which in the former Yugoslavia has generated vast displacements of people and large flows of refugees of the different ethnic groups, and in Bosnia and Herzogovina has affected, in particular, the Muslim population;
>
> "Also expresses its deep concern at the existence of detention centres and allegations of serious human rights violations in those centres;
>
> "Demands:
>
> "(a) That steps be taken on an urgent basis to stop the massive violations of the right to life and other human rights;
>
> "(b) That the policies and practices of so-called 'ethnic cleansing' be immediately brought to an end;
>
> "(c) That displaced people be given the opportunity to return to their homes and that their safety be ensured;
>
> "(d) That full reparation be made for losses suffered as a result of the displacement;
>
> "(e) That those responsible for the commission of crimes be brought to justice and that steps be taken as a matter of urgency to this end."

The Sub-Commission further decided to request its Chairman to transmit the decision to the Chairman of the Commission on Human Rights, meeting in special session.

[See chap. VII.]

1992/104. Human rights and scientific and technological developments

At its 17th meeting, on 14 August 1992, the Sub-Commission decided, without a vote, to consider at its forty-sixth session the possibility of elaborating new human rights standards relating to scientific developments which can affect the mental condition or the genetic structure of human beings. The issue will be considered under the agenda item, entitled "Human rights and scientific and technological developments".

[See chap. XIII.]

1992/105. Voting by secret ballot on proposals under agenda item 6

At its 33rd meeting, on 26 August 1992, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 of its forty-fourth session by secret ballot, whenever a vote was requested thereon.

[See chap. VII.]

1992/106. Humanitarian situation in Iraq

At its 34th meeting, on 27 August 1992, the Sub-Commission, recalling the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also its previous resolutions on Iraq and in particular decision 1991/107 of 29 August 1991 and the Declaration of Minimum Humanitarian Standards contained in working paper E/CN.4/Sub.2/1991/55, deeply concerned about the serious consequences which the embargo imposed on Iraq for the past two years is having on the entire civilian population in Iraq and, in particular, on children, women and the most underprivileged population sectors, decides, without a vote, to appeal to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population.

[See chap. VII.]

1992/107. Study of the issue of the privatization of prisons

At its 35th meeting, on 27 August 1992, the Sub-Commission, recalling its decisions 1989/110 of 1 September 1989 and 1991/105 of 28 August 1991, taking into account the working paper submitted by Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1991/56) to the Sub-Commission at its forty-third session and having considered the working paper submitted by the Secretary-General on the issue of the privatization of prisons (E/CN.4/Sub.2/1992/21) and the report of the Working Group on Detention at its forty-fourth session (E/CN.4/Sub.2/1992/22), decided, without a vote, to request Mrs. Claire Palley to prepare, without financial implications, an outline of the possible utility, scope and structure of a special study which may be undertaken on the issue of privatization of prisons, to be submitted to the Working Group on Detention and to the Sub-Commission at its forty-fifth session. It also requested the Secretary-General to provide Mrs. Palley with all possible assistance for the completion of her task.

[See chap. XI.]

1992/108. Final report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

At its 35th meeting, on 27 August 1992, the Sub-Commission took note with deep appreciation of the report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1992/10), submitted by Mr. Luis Varela Quirós. The Sub-Commission, taking into account the observations made by the Special Rapporteur when introducing his report, in particular concerning the material and submissions that the Special Rapporteur was not able to include in his report, decided, without a vote, to request the Special Rapporteur to complete his work and to submit his final report to the Sub-Commission at its forty-fifth session and to request the Secretary-General to give the Special Rapporteur any assistance he may require to accomplish his work. The Sub-Commission also requested the Special Rapporteur to take into account in the preparation of his final report the views expressed in the debate on his report at its forty-fourth session; it further decided to examine the final report at its forty-fifth session under agenda item 4, entitled "Review of further developments in fields with which the Sub-Commission has been concerned".

[See chap. V.]

1992/109. Definition of gross and large-scale violations of human rights as an international crime

At its 35th meeting, on 27 August 1992, the Sub-Commission, having received the working paper prepared by Mr. S. Chernichenko on the preparation of a declaration defining gross and large-scale violations of human rights as an international crime (E/CN.4/Sub.2/1992/51), decided, without a vote, to authorize Mr. Chernichenko to submit to the Sub-Commission a more detailed working paper on this subject which would contain, *inter alia*, provisions that could be included in an appropriate declaration, and to consider the question at its forty-fifth session under item 4 of its agenda.

[See chap. V.]

1992/110. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 27 August 1992, the Sub-Commission, recalling its resolutions 1989/38 of 1 September 1989 and 1990/28 of 31 August 1990 and its decision 1991/111 of 29 August 1991, took note of the first progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1992/32) submitted by Mr. Miguel Alfonso Martínez, regretting that the Special Rapporteur could not submit it on time to the tenth session of the Working Group on Indigenous Populations and decided, without a vote, to request the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. It also decided to request the Secretary-General:

(a) To transmit once again to the Governments, intergovernmental organizations and indigenous peoples' organizations which attended the tenth session of the Working Group the questionnaires submitted by the Special Rapporteur in 1990 (E/CN.4/Sub.2/1990/42, annex VI) requesting them, if they have not done so, to provide the information requested in the questionnaire, if possible no later than 15 May 1993;

(b) To give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights.

The Sub-Commission also decided to recommend to the Commission on Human Rights that it request the Economic and Social Council to endorse the above-mentioned decision.

[see chap. XVI.]

1992/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 35th meeting, on 27 August 1992, the Sub-Commission approved the following composition of its pre-sessional working groups with the understanding that, when the designated member or alternate is unable to attend the meetings of the working group concerned, the Chairman, in consultation with the appropriate regional group, would designate another member as replacement.

Working Group on / Regional Group	Communications	Indigenous populations	Contemporary forms of slavery
Asia	Mr. Tian	Mr. Hatano	Mr. Hakim
Africa	Mr. Guissé Mr. Yimer (alternate)	Ms. Attah Mr. Khalil (alternate)	Ms. Ksentini Mr. Ramadhane (alternate)
Latin America	Ms. Forero Ucros Mr. Despouy (alternate)	Mr. Alfonso Martinez Mr. Saboia (alternate)	Mr. Gonçalves Ms. Ferriol Echevarría (alternate)
Western Europe	Mrs. Palley	Mrs. Daes	Mrs. Chavez
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Maxim

[See chaps. X, XVI and XVII.]

1992/112. Draft provisional agenda for the forty-fifth session of the Sub-Commission

At its 36th meeting, on 28 August 1992, the Sub-Commission decided, without a vote, to delete the word "colonialist" between the word "racist" and the word "regime" from the title of agenda item 5, sub-item (b), and to include in the provisional agenda of the forty-fifth session of the Sub-Commission an agenda item, provisionally entitled "Freedom of movement", as item 18.

[See chap. XXI.]

III. ORGANIZATION OF THE FORTY-FOURTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-fourth session at the United Nations Office at Geneva from 3 to 28 August 1992. It held 36 meetings (E/CN.4/Sub.2/1992/SR.1-36) during the session of which four meetings were extended to the equivalent of five additional meetings.

2. The session was opened by Mr. Louis Joinet, Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its forty-third session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Sub-Commission at its 1st meeting.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by observers from non-member States and by representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

4. At its 1st meeting, on 3 August 1992, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Miguel Alfonso Martínez
Vice-Chairmen:	Ms. Fatma Zohra Ksentini Mr. Stanislav V. Chernichenko Mr. Rajindar Sachar
Rapporteur:	Mr. Marc Bossuyt

D. Adoption of the agenda

5. Also at its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-fourth session (E/CN.4/Sub.2/1992/1 and Add.1 and Add.1/Corr.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-third session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. The agenda was adopted without a vote. For the text, see annex I to the present report.

E. Organization of work

7. At its 2nd meeting, on 4 August 1992, upon the recommendation of its officers, the Sub-Commission decided to invite a number of experts and special rapporteurs to participate in the meetings at which their reports were to be considered.

8. For the text of the decision as adopted, see chapter II, section B, decision 1992/102.

9. Also at its 2nd meeting, the Sub-Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Sub-Commission were to be limited to statements of 20 minutes; observers from organizations and States to one statement of 10 minutes, and on composite items to a second statement of 5 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement would be limited to 5 minutes and a second to 3 minutes. Special rapporteurs would be permitted 35 minutes to introduce their report to be divided between the introduction of the report and the concluding remarks.

10. Also, at its 2nd meeting, the Sub-Commission, bearing in mind the respective priority of the items and the availability of the relevant documentation, accepted the recommendation of its officers to consider the items on its agenda in the following order: 3, 12, 13, 17, 16, 5, 14, 6, 10, 11, 7, 8, 4, 19, 9, 15, 18, 20 and 21.

11. Also at its 2nd meeting, the Sub-Commission decided, without a vote, to set up a sessional working group on detention.

12. At its 3rd meeting, on 4 August 1992, the Sub-Commission decided that the Working Group on Detention would be composed of Mr. V. Boutkevitch, Mr. L. Despouy, Mr. E.H. Guissé, Mr. M. Hakim and Mr. L. Joinet.

13. For the text of the decision, see chapter II, section B, decision 1992/101.

F. Meetings, resolutions and documentation

14. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-fourth session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

15. The Sub-Commission adopted resolutions 1992/1 to 1992/39 and took 12 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

16. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

17. A statement concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-fourth session appears in annex III.

18. A list of studies under preparation, drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex IV.

19. A list of documents issued for the forty-fourth session of the Sub-Commission appears in annex V.

G. Other matters

20. At its 1st meeting, on 3 August 1992, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa.

21. At the same meeting, the Sub-Commission observed a minute of silence in memory of Mr. Horst Keilau, former Chief, Prevention of Discrimination Section of the Centre for Human Rights.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

22. The Sub-Commission considered item 3 at its 2nd, 3rd, 18th, 19th and 31st to 33rd meetings, on 4, 17, 18, 25 and 26 August 1992.

23. In connection with its consideration of the item, the Sub-Commission had before it the report of the inter-sessional Working Group on methods of work of the Sub-Commission established pursuant to Commission on Human Rights resolution 1992/66 (E/CN.4/Sub.2/1992/3 and Add.1).

24. At the 20th meeting, on 18 August 1992, the Vice-Chairman of the forty-eighth session of the Commission on Human Rights, Mr. Ronald Walker, addressed the Sub-Commission.

25. At the 2nd meeting, on 4 August 1992, Mr. Joinet and Mr. Yimer, respectively Chairman and Rapporteur of the inter-sessional working group on the methods of work of the Sub-Commission, introduced the report of the Working Group (E/CN.4/Sub.2/1992/3 and Add.1).

26. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Bossuyt (31st and 32nd), Ms. Chavez (2nd), Mr. Chernichenko (2nd), Ms. Daes (2nd), Mr. Despouy (2nd and 3rd), Mr. Eide (2nd, 3rd and 31st), Mr. Guissé (2nd, 3rd and 31st), Mr. Hatano (31st and 32nd), Mr. Heller (2nd and 3rd), Mr. Joinet (2nd, 3rd and 19th), Mr. Khalifa (2nd and 3rd), Ms. Ksentini (2nd and 3rd), Mr. Alfonso Martínez (3rd), Mr. Maxim (3rd), Ms. Mbonu (2nd), Ms. Palley (31st), Mr. Tian (2nd), Mr. Saboia (3rd), Ms. Warzazi (31st) and Mr. Yimer (2nd and 3rd).

27. The observer for Turkey made a statement (31st).

28. The Sub-Commission also heard a statement by the representative of a non-governmental organization, the American Association of Jurists (31st).

29. At its 31st meeting, on 25 August 1992, the Sub-Commission considered agenda item 3 in a closed meeting.

30. At the 33rd meeting, on 26 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.15, sponsored by Mr. Joinet and Mr. Yimer.

31. Mr. Hatano proposed to amend the annex to the draft resolution as follows:

(a) Add titles to Guidelines Nos. 8, 9, 10,11, 12 and 18;

(b) In Guideline No. 8, replace the words "decisions or resolutions" by the words "resolutions and decisions";

1/ The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

(c) In Guideline No. 9, add the words "and decisions" after the word "resolutions";

(d) In Guideline No. 10, add the words "or decision" after the word "resolution";

(e) In Guideline No. 11, add the words "or decision," after the words "a draft resolution"; replace the words "consensus and solemn" by the words "solemn and consensus";

(f) In Guideline No. 12, add the words "and decisions" after the word "resolutions";

(g) In Guideline No. 13, replace the words "decisions or resolutions" by the words "resolutions and decisions".

32. Mr. Chernichenko proposed to insert a new paragraph as operative paragraph 1 and to renumber the other operative paragraphs accordingly.

33. In Guideline No. 1, Ms. Ksentini proposed to add the words "entrusted to special rapporteurs" after the word "studies" and to delete the footnote; Mr. Joinet revised paragraph 3 by replacing the words "the number of studies completed" by the number "20"; he subsequently revised paragraphs 1 and 3 by replacing the number "20" by the number "13".

34. In Guideline No. 4, paragraph 1, Ms. Ksentini proposed to delete the words "as necessary" between the word "consultations" and the word "during", and to add a sentence at the end of the paragraph.

35. In Guideline No. 5, paragraph 1, Mrs. Warzazi proposed to delete the words "or authors" after the word "author".

36. Mr. Guissé proposed to delete Guideline No. 17.

37. The proposals as described above were accepted by the sponsors.

38. A statement in connection with the draft resolution was made by Mr. Al-Khasawneh.

39. Draft resolution E/CN.4/Sub.2/1992/L.15, as orally revised and amended, was adopted without a vote.

40. For the text of the resolution, see chapter II, section A, resolution 1992/8.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

41. The Sub-Commission considered item 4 at its 26th, 27th, 30th, 31st, 35th and 36th meetings, on 21, 25, 27 and 28 August 1992.

42. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1992/4);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1992/5);

Report submitted by the United Nations Educational, Scientific and Cultural Organization: UNESCO activities concerning prevention of discrimination and protection of minorities (E/CN.4/Sub.2/1992/6);

Human rights and the environment: progress report prepared by Ms. Fatma Zohra Ksentini, Special Rapporteur, in accordance with Sub-Commission resolution 1991/24 (E/CN.4/Sub.2/1992/7 and Add.1);

Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: second progress report submitted by Mr. Theo van Boven, Special Rapporteur (E/CN.4/Sub.2/1992/8);

The right to freedom of opinion and expression: final report by Mr. Danilo Türk and Mr. Louis Joinet, Special Rapporteurs (E/CN.4/Sub.2/1992/9 and Add.1);

Discrimination against HIV-infected people or people with AIDS: final report submitted by Mr. Luis Varela Quirós, Special Rapporteur (E/CN.4/Sub.2/1992/10);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/8);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/9);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II), in conjunction with the Natural Heritage Institute (E/CN.4/Sub.2/1992/NGO/10);

Written statement submitted by the Sierra Club Legal Defense Fund, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/18);

Written statement submitted by Liberation, a non-governmental organization in consultative status on the Roster (E/CN.41/Sub.2/1992/NGO/26);

Prevention and control of HIV/AIDS and programmes addressed to the mitigation of its negative socio-economic consequences: report of the Secretary-General (E/1992/67);

Prevention and control of acquired immune deficiency syndrome (AIDS): note by the Secretary-General (A/47/289-E/1992/68);

43. At the 26th meeting, on 21 August 1992, Ms. F.Z. Ksentini, Special Rapporteur, introduced her progress report (E/CN.4/Sub.2/1992/7 and Add.1).

44. At the same meeting, Mr. T. van Boven, Special Rapporteur, introduced his second progress report (E/CN.4/Sub.2/1992/8).

45. At the 27th meeting, on 21 August 1992, Mr. D. Türk, Special Rapporteur, introduced the final report submitted by Mr. L. Joinet and himself (E/CN.4/Sub.2/1992/9 and Add.1).

46. At the same meeting, Mr. L. Varela Quirós, Special Rapporteur, introduced his final report (E/CN.4/Sub.2/1992/10).

47. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (27th), Ms. Forero Ucros (27th), Mr. Guissé (27th), Mr. Khalil (30th), Ms. Ksentini (31st), Ms. Mbonu (27th), Ms. Palley (27th), Mr. Sachar (27th).

48. Statements were made by the observers for Senegal (27th) and the United States of America (31st).

49. The representatives of the World Health Organization and the International Labour Office also made statements (27th).

50. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (31st), Article XIX (30th), Commission of the Churches on International Affairs of the World Council of Churches (27th), Human Rights Advocates (31st), International Abolitionist Federation (31st), International Association of Educators for World Peace (31st), International Educational Development (30th), International Fellowship of Reconciliation (27th), International Human Rights Internship Program (31st), International League for the Rights and Liberation of Peoples (31st), International Organization for the Development of Freedom of Education (30th), International PEN (30th), International Work Group on Indigenous Affairs (30th), Latin American Federation of Associations of Relatives of Disappeared Detainees (31st), Liberation (30th), Minority Rights Group (31st), Sierra Club Legal Defense Fund (31st), War Amputations of Canada (30th), Women's International League for Peace and Freedom (31st), World Organization against Torture (30th), World Press Freedom Committee (31st).

51. Statements equivalent to a right of reply were made by the observers for Japan (31st) and Turkey (31st).

52. At the 27th meeting, on 21 August 1992, Mr. T. van Boven, Special Rapporteur, made a statement concerning the statements which referred to his study.

Support for the recommendations of the Pan-African Conference in Democracy and Management of the Transition in Africa

53. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.8, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Ksentini subsequently joined the sponsors.

54. Mr. Sachar made a statement relating to the draft resolution.

55. Ms. Ksentini proposed replacing, in operative paragraph 4, the words "Strongly supports" by the words "Also notes" and to delete the words "stressing the close interdependene of development and democracy while reaffirming that development is not a prerequisite for building a democratic society or culture" after the words "Dakar Conference".

56. The draft resolution, as orally amended, was adopted without a vote.

57. For the text as adopted, see chapter II, section A, resolution 1992/30.

Human rights and the environment

58. At the same meeting, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1992/L.17, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Mr. Tian, Ms. Warzazi and Mr. Yimer. Ms. Daes subsequently joined the sponsors.

59. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

60. The draft resolution was adopted without a vote.

61. For the text as adopted, see chapter II, section A, resolution 1992/31.

The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

62. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.25, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer. Ms. Daes subsequently joined the sponsors.

63. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

64. The draft resolution was adopted without a vote.

65. For the text as adopted, see chapter II, section A, resolution 1992/32.

Final report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

66. At the same meeting, the Sub-Commission considered draft decision E/C.4/Sub.2/1992/L.31, sponsored by Mr. Bossuyt, Mr. Despouy, Ms. Forero Ucros, Ms. Palley, Mr. Saboia, Ms. Warzazi and Mr. Yimer.

67. Statements relating to the draft decision were made by Mr. Despouy and Ms. Ksentini.

68. A statement on the cost estimate relating to the draft decision was made by the representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

69. The draft decision was adopted without a vote.

70. For the text as adopted, see chapter II, section B, resolution 1992/108.

Arms production and trade and human rights violations

71. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.45, sponsored by Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim and Ms. Palley.

72. Consideration of the draft resolution E/CN.4/Sub.2/1992/L.45 was postponed.

73. At its 36th meeting, on 28 August 1992, the Sub-Commission resumed consideration of the draft resolution.

74. Ms. Palley revised draft resolution E/CN.4/Sub.2/1992/L.45 as follows:

(a) The title of the draft resolution, which read "International register of information on arms", was replaced by a new title;

(b) The seventh preambular paragraph, which read:

> "Recalling the working paper on the interrelationship between human rights and peace prepared by Mr. M. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1)."

and the ninth preambular paragraph, which read:

> "Welcoming also the adoption by the General Assembly of its resolution 45/36 L of 9 December 1991, in which it requested the Secretary-General to establish a universal and non-discriminatory Register of Conventional Arms, to include data on international arms transfers as well as information provided by Member States on military holdings, procurement through national production and certain categories of equipment, subject to the expansion of the scope of the Register by the addition of further categories of equipment and inclusion of data on military holdings and procurement through national production."

were deleted;

(c) In the tenth preambular paragraph, the words "of 9 December 1991" were inserted after the words "to its resolution 46/36 L";

(d) In operative paragraph 2, the words "excessive and destabilizing accumulation of arms and" were inserted after the words "impact of", and the words "and imports" were inserted after the word "exports";

(e) A new paragraph was inserted after operative paragraph 3 as operative paragraph 4, and the original operative paragraph 4 was renumbered as operative paragraph 5;

(f) At the end of operative paragraph 5, a phrase was added after the words "and unconventional weapons";

(g) A new paragraph was added as operative paragraph 6.

75. The draft resolution, as revised, was contained in document E/CN.4/Sub.2/1992/L.45/Rev.1.

76. Ms. Chavez, Mr. Guissé, Mr. Tian and Ms. Warzazi made statements relating to the revised draft resolution.

77. The draft resolution, as revised, was adopted without a vote.

78. For the text as adopted, see chapter II, section A, resolution 1992/39.

Definition of gross and large-scale violations of human rights as an international crime

79. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft decision E/CN.4/Sub.2/1992/L.46, sponsored by Mr. Eide. Ms. Daes subsequently joined the sponsor.

80. Mr. Despouy proposed replacing the words "to give due attention to the working paper in its future work" after the words "decides to" by new words.

81. The draft decision, as amended, was adopted without a vote.

82. For the text as adopted, see chapter II, section B, decision 1992/109.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

83. The Sub-Commission considered sub-item (a) of agenda item 5 at its 9th to 11th and 27th meetings, on 10, 11 and 21 August 1992.

84. The Sub-Commission had before it the following documents in connection with its consideration of the sub-item:

Report of the Secretary-General (E/CN.4/Sub.2/1992/11);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/1);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/22).

85. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (10th), Mr. Bossuyt (9th), Ms. Chavez (10th), Mr. Daode (9th), Mr. Eide (9th and 10th), Ms. Forero Ucros (10th), Mr. Guissé (10th), Mr. Heller (10th), Mr. Joinet (11th), Ms. Ksentini (11th), Mr. Saboia (10th) and Ms. Warzazi (10th).

86. Statements were made by the observers for Turkey (11th) and the United States of America (11th).

87. The representative of the International Labour Office made a statement (10th).

88. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Four Directions Council (10th), Human Rights Advocates (10th), Indigenous World Association (11th), International Council of Jewish Women (10th), International Federation of Human Rights (10th), International Fellowship of Reconciliation (11th), International League for the Rights and Liberation of Peoples (10th), Movement against Racism and for Friendship among Peoples (10th), National Aboriginal and Islander Legal Service Secretariat (11th), Pax Christi International (11th), World Jewish Congress (11th).

89. Statements equivalent to a right of reply were made by the observer for Iraq (11th) and Yugoslavia (11th).

90. At the 27th meeting, on 21 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.12, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Despouy,

Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian, Ms. Warzazi and Mr. Yimer.

91. The draft resolution was adopted without a vote.

92. For the text as adopted, see chapter II, section A, resolution 1992/5.

B. Adverse consequences for the enjoyment of human rights of political military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

93. The Sub-Commission considered sub-item (b) of agenda item 5 at its 8th to 11th and 27th meetings, on 10, 11 and 21 August 1992.

94. In connection with its consideration of the sub-item, the Sub-Commission had before it the following documents:

Updated report prepared by Mr. A. Khalifa, Special Rapporteur (E/CN.4/Sub.2/1992/12 and Add.1);

Letter dated 30 July 1992 from the Director of the United Nations Centre against Apartheid addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/46).

95. At the 8th meeting, on 10 August 1992, the Special Rapporteur introduced his report.

96. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (11th), Ms. Attah (8th), Mr. Bossuyt (9th), Mr. Boutkevitch (9th), Ms. Chavez (9th), Mr. Chernichenko (9th), Mr. Zhan (9th), Mr. Despouy (9th), Mr. Eide (9th), Ms. Forero Ucros (9th), Mr. Guissé (9th), Mr. Hatano (11th), Mr. Heller (9th), Mr. Joinet (9th and 11th), Ms. Ksentini (10th), Mr. Saboia (10th), Mr. Sachar (10th) and Ms. Warzazi (10th).

97. Statements were made by the observers for Cuba (11th), Egypt (9th), Ethiopia (9th), Senegal (11th) and the Syrian Arab Republic (9th).

98. The representative of the International Labour Office made a statement (10th).

99. Statements were also made by the observers for the Pan-Africanist Congress of Azania (9th) and the African National Congress (9th).

100. The Sub-Commission heard statements by representatives of the following non-governmental organizations: Human Rights Advocates (10th), International League for the Rights and Liberation of Peoples (10th), World Federation of Trade Unions (11th).

101. At the 11th meeting, on 11 August 1992, the Special Rapporteur made his concluding remarks.

102. At the 27th meeting, on 21 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.16, sponsored by Ms. Attah, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Mr. Tian, Ms. Warzazi and Mr. Yimer.

103. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

104. The draft resolution was adopted without a vote.

105. For the text as adopted, see chapter II, section A, resolution 1992/6.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

106. The Sub-Commission considered item 6 at its 13th, 14th, 17th to 20th and 33rd to 35th meetings, from 12 to 14 and 17 to 18 and 26 and 27 August 1992.

107. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1992/13);

Note by the Secretary-General (E/CN.4/Sub.2/1992/14);

Letter dated 15 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/39);

Letter dated 1 June 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/40);

Letter dated 6 June 1992 from the Ministry of Foreign Affairs of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/41);

Letter dated 19 June 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/42);

Letter dated 16 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/43);

Letter dated 31 July 1992 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/45);

Note by the Secretariat (E/CN.4/Sub.2/1992/47);

Letter dated 20 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/49);

Working paper submitted by Mr. S. Chernichenko (E/CN.4/Sub.2/1992/51);

Letter dated 13 August 1992 from the Chairman of the forty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the Chairman of the Commission on Human Rights (E/CN.4/Sub.2/1992/52);

Note by the Secretariat (E/CN.4/Sub.2/1992/55);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/4);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/6);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/8);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/13);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/14);

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/19).

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/21);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I), by the American Association of Jurists, the International Fellowship of Reconciliation, the International League for the Rights and Liberation of Peoples, Pax Christi International, Pax Romano, non-governmental organizations in consultative status (category II), and by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/23).

108. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (15th, 18th and 19th), Ms. Attah (15th and 18th), Mr. Bossuyt (13th), Mr. Boutkevitch (18th), Ms. Chavez (17th and 18th), Mr. Chernichenko (15th and 18th), Mr. Eide (13th, 15th, 16th and 19th), Ms. Forero Ucros (14th), Mr. Guissé (14th), Mr. Joinet (15th and 17th), Mr. Khalifa (14th), Ms. Ksentini (18th), Mr. Maxim (13th),

Mr. Merrills (14th), Ms. Palley (18th), Mr. Ramadhane (18th), Mr. Saboia (15th), Mr. Sachar (18th), Mr. Tian (18th) and Ms. Warzazi (15th, 17th and 18th).

109. Statements were made by the observers for: Colombia (19th), Cyprus (15th), Egypt (15th), Haiti (19th), Indonesia (19th), Iraq (15th), Morocco (15th), Peru (19th), Portugal (19th), Russian Federation (19th), Sri Lanka (15th), Syrian Arab Republic (16th), Turkey (15th), United States of America (15th), Viet Nam (15th).

110. A statement was also made by the observers for Palestine (13th) and for the Pan-Africanist Congress of Azania (13th).

111. The representative of the United Nations Transitional Authority in Cambodia also made a statement (14th).

112. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (18th), Amnesty International (13th), Andean Commission of Jurists (14th), Anglican Consultative Council (16th), Anti-Slavery International for the Protection of Human Rights (16th), Arab Lawyers Union (17th), Arab Organization for Human Rights (14th), Baha'i International Community (19th), Centre Europe-Tiers Monde (16th), Commission of the Churches on International Affairs of the World Council of Churches (19th), Defence for Children International (17th), General Arab Women Federation (16th), Habitat International Coalition (19th), Human Rights Advocates (17th), International Association against Torture (18th), International Association for the Defence of Religious Liberty (13th), International Association of Democratic Lawyers (13th), International Commission of Jurists (14th), International Educational Development (16th), International Falcon Movement - Socialist Educational International (17th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (19th), International Federation of Human Rights (13th), International Federation Terre des Hommes (18th), International Fellowship of Reconciliation (19th), International Indian Treaty Council (16th), International League for the Rights and Liberation of Peoples (16th), International Movement for Fraternal Union among Races and Peoples (19th), International Progress Organization (17th), International Work Group for Indigenous Affairs (16th), Latin American Federation of Associations of Relatives of Disappeared Detainees (19th), Liberation (17th), Minority Rights Group (16th), Movement against Racism and for Friendship among Peoples (16th), National Aboriginal and Islander Legal Service Secretariat (14th), Pax Christi International (14th), Pax Romana, Service Peace and Justice in Latin America (17th), Women's International League for Peace and Freedom (14th), World Federation of Trade Unions (18th), World Movement of Mothers (19th), World Organization against Torture (16th), World University Service (17th).

113. Statements equivalent to a right of reply were made by the observers for: Algeria (15th), Azerbaijan (18th), Bangladesh (17th), China (18th), Croatia (15th), Cuba (18th), Guatemala (17th), India (20th), Indonesia (20th), Iraq (14th), Japan (15th), Lebanon (17th), Morocco (15th), Myanmar (16th),

Nigeria (20th), Pakistan (17th), Portugal (20th), Syrian Arab Republic (17th), Thailand (15th), Tunisia (18th), Turkey (16th) and Yugoslavia (15th).

114. Statements equivalent to a second right of reply were made by the observers for Algeria (15th), Azerbaijan (20th), Croatia (15th), Guatemala (20th), Morocco (15th), Thailand (20th), Turkey (20th) and Yugoslavia (20th).

Situation of human rights in Yugoslavia

115. At the 14th meeting, on 13 August 1992, Mr. Eide orally proposed a draft decision on the situation of human rights in Yugoslavia.

116. Statements relating to the draft decision were made by Mr. Al-Khasawneh, Mr. Chernichenko, Mr. Joinet and Ms. Ksentini.

117. The draft decision was adopted without a vote.

118. For the text as adopted, see chapter II, section B, decision 1992/103.

119. Subsequently the Chairman of the Sub-Commission transmitted the decision to the Chairman of the Commission on Human Rights, meeting in special session. For the text of the letter of transmittal, dated 13 August 1992, see document E/CN.4/Sub.2/1992/52.

Voting by secret ballot on proposals under agenda item 6

120. At its 33rd meeting, on 26 August 1992, Mr. Eide orally proposed that the Sub-Commission, pursuant to Economic and Social Council resolution 1991/32, should decide that any vote on draft resolutions, decisions and proposals of a substantive nature submitted under item 6 of the agenda pertaining to allegations of violations of human rights in countries should be taken by secret ballot whenever a vote was requested thereon. Mr. Despouy made a statement in which he proposed that any motion to take no action would also be decided on by secret ballot. Ms. Ksentini made a statement in which she noted that a decision on this matter did not prevent a request being made for a secret ballot on motions of a procedural nature under item 6.

121. A statement relating to these proposals was made by Ms. Warzazi.

122. The proposal was adopted without a vote.

123. For the text of the decision, see chapter II, section B, decision 1992/105.

Situation in South Africa

124. At the 33rd meeting, on 26 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.9, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Ramadhane, Mr. Sachar, Mr. Tian, Ms. Warzazi and Mr. Yimer.

125. Ms. Attah revised the draft resolution as follows:

(a) Operative paragraph 6, which read: "Appeals to the Government of South Africa not to proceed with the execution of the several opponents of apartheid, including the 'Uppington Fourteen', who have been on death row for more than four years", was replaced by a new paragraph;

(b) A new paragraph was inserted after operative paragraph 6 as new operative paragraph 7;

(c) The remaining paragraphs were renumbered accordingly.

126. Ms. Chavez proposed amending operative paragraph 7 by adding the words "or other persons" after the words "other government organs".

127. At the request of Mr. Chernichenko, a separate vote was taken on operative paragraph 9, which was retained by secret ballot by 12 votes to 5, with 3 abstentions.

128. The draft resolution as a whole, as revised and amended, was adopted without a vote.

129. For the text as adopted, see chapter II, section A, resolution 1992/9.

Situation in the Palestinian and other Arab territories occupied by Israel

130. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.13, sponsored by Ms. Attah, Mr. Hakim, Mr. Khalifa, Ms. Ksentini, Mr. Ramadhane, Mr. Sachar and Mr. Tian.

131. Mr. Eide made a statement relating to the draft resolution.

132. At the request of Ms. Chavez, a vote was taken on the draft resolution.

133. The draft resolution was adopted by secret ballot by 11 votes to 6, with 6 abstentions.

134. For the text as adopted, see chapter II, section A, resolution 1992/10.

Situation of human rights in Somalia

135. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.18, sponsored by Ms. Attah, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Khalil, Mr. Maxim, Mr. Ramadhane, Mr. Saboia and Ms. Warzazi. Mr. Sachar and Ms. Ksentini subsequently joined the sponsors.

136. Mr. Yimer made a statement relating to the draft resolution.

137. The draft resolution was adopted without a vote.

138. For the text as adopted, see chapter II, section A, resolution 1992/11.

Support for the restoration of democracy in Peru

139. At the 33rd meeting, on 26 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.19, sponsored by Ms. Chavez, Mr. Despouy, Ms. Forero Ucros and Mr. Saboia. Mr. Hatano and Mr. Hakim subsequently joined the sponsors.

140. Mr. Bossuyt proposed to insert a new preambular paragraph as the last preambular paragraph and to replace operative paragraph 10, which read: "Encourages the Peruvian authorities to continue the process of institutional normalization until the full enjoyment of human rights is attained and representative democracy is fully restored;", by a new paragraph.

141. The amendments were accepted by the sponsors.

142. Mr. Joinet proposed to amend operative paragraph 6, which read: "Hails the efforts of the Inter-American Commission on Human Rights to cooperate with the Peruvian authorities, and urges those authorities to provide the Commission with their fullest cooperation."

143. Mr. Despouy proposed to amend operative paragraph 6 to read as follows: "Urges the Peruvian authorities to strengthen their cooperation with the Inter-American Commission on Human Rights and welcomes the efforts of cooperation of the Inter-American Commission on Human Rights in regard to human rights."

144. Mr. Saboia proposed to amend operative paragraph 6 by exchanging the words "Inter-American Commission on Human Rights" and "Peruvian authorities".

145. Statements relating to the draft resolution and the proposals of amendment were made by Ms. Attah, Mr. Despouy, Mr. Joinet, Ms. Ksentini, Ms. Palley and Ms. Warzazi.

146. The observer for Peru made a statement.

147. At its 34th meeting, on 27 August 1992, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1992/L.19.

148. Mr. Despouy, on behalf of the sponsors, stated that the amendment proposed by Mr. Joinet had been accepted.

149. The draft resolution, as orally amended, was adopted without a vote.

150. For the text as adopted, see chapter II, section A, resolution 1992/12.

Situation of human rights in El Salvador

151. At the 34th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.20, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer.

152. The draft resolution was adopted without a vote.

153. For the text as adopted, see chapter II, section A, resolution 1992/13.

Forced evictions

154. At the 34th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.21, sponsored by Mr. Eide, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar and Mr. Yimer. Mr. Guissé subsequently joined the sponsors.

155. The draft resolution was adopted without a vote.

156. For the text as adopted, see chapter II, section A, resolution 1992/14.

Situation of human rights in the Islamic Republic of Iran

157. At the 34th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.23, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Palley and Mr. Sachar.

158. Statements relating to the draft resolution were made by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Eide and Ms. Palley.

159. The observer for the Islamic Republic of Iran made a statement.

160. At the request of Mr. Al-Khasawneh, a vote was taken on the draft resolution.

161. The draft resolution was adopted by secret ballot by 18 votes to 3, with 2 abstentions.

162. For the text as adopted, see chapter II, section A, resolution 1992/15.

Situation of human rights in Haiti

163. At the 34th meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.26, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Joinet, Ms. Palley, Mr. Saboia and Mr. Yimer.

164. Mr. Despouy and Mr. Guissé made statements relating to the draft resolution.

165. The draft resolution was adopted without a vote.

166. For the text as adopted, see chapter II, section A, resolution 1992/16.

Situation in Cambodia

167. At the 34th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.29, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé and Ms. Palley.

168. Ms. Warzazi proposed to delete the last two preambular paragraphs and operative paragraphs 1, 2 and 9.

169. Mr. Eide, on behalf of the sponsors, agreed to the deletion of operative paragraphs 1 and 2, which read as follows:

> "1. Calls upon all parties to the Paris Agreements to fully implement all aspects of these Agreements;
>
> "2. Expresses its concern that one of the parties, the Khmer Rouge, has shown reluctance in complying with the Agreements, and calls for appropriate countermeasures by the international community should it continue its lack of cooperation;"

170. Statements relating to the draft resolution and the proposed amendments were made by Ms. Attah, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Tian and Ms. Warzazi.

171. The draft resolution, as amended, was adopted without a vote.

172. For the text as adopted, see chapter II, section A, resolution 1992/17.

Situation of human rights in Guatemala

173. At the 34th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.37, sponsored by Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Joinet and Mr. Saboia. Ms. Attah and Ms. Palley subsequently joined the sponsors.

174. Statements relating to the draft resolution were made by Ms. Attah, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Palley and Ms. Warzazi.

175. The observer for Guatemala made a statement.

176. At the request of Ms. Warzazi, a vote was taken on the draft resolution.

177. The draft resolution was adopted by secret ballot by 13 votes to 4, with 4 abstentions.

178. For the text as adopted, see chapter II, section A, resolution 1992/18.

Detention on Bougainville

179. At the 34th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.41, sponsored by Mr. Guissé, Mr. Khalil, Mr. Maxim and Ms. Palley.

180. Statements relating to the draft resolution were made by Ms. Palley and Ms. Warzazi.

181. Ms. Warzazi proposed to delete, in the fourth preambular paragraph, the words "from a variety of reliable sources" between the words "human rights violations" and "in relation to".

182. Ms. Attah proposed to replace, in operative paragraph 2, the words "consider the implementation of the agreements" by the words "include the case of agreements" and to replace the words "in particular with a view to examining the link between the implementation of the agreements and the achievement and observance of human rights and fundamental freedoms" by the words "in his report" after the words "Papua New Guinea".

183. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

184. The text as orally amended was adopted without a vote.

185. For the text as adopted, see chapter II, section A, resolution 1992/19.

Situation of human rights in Colombia

186. On 24 August 1992, a draft resolution (E/CN.4/Sub.2/1992/L.44) was submitted by Mr. Eide and Ms. Palley reading as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949 and the 1977 Additional Protocols thereto,

"Reiterating that the Governments of all member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional national circumstances, "_Having considered_ the report presented by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22/Add.1) after his visit to Colombia and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18/Add.1), also presented after its visit to Colombia,

"_Having considered also_ the report on the independence of the judiciary and the protection of practising lawyers prepared by the expert, Mr. Louis Joinet (E/CN.4/Sub.2/1991/30 and Add.1-4), in particular the sections concerning the attacks on judges and lawyers in Colombia, especially those who try or investigate cases of human rights violations, and concerning the requirements for rendering advisory services in the field of human rights,

"_Taking into account_ that the Government and the people of Colombia have made significant efforts to modernize legal institutions and have adopted a new Constitution which includes an ample catalogue of fundamental rights and freedoms and institutes protection and defence mechanisms such as the tutelage action (_acción de tutela_) and the ombudsman (_Defensor del Pueblo_),

"_Deeply concerned_ at the persistence of serious violations of human rights, as demonstrated by the large number of persons who are murdered for political or ideological reasons, and at the persistence of the practice of enforced disappearances of persons,

"_Concerned_ at the information provided by the Special Rapporteur on summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances regarding the participation of members of the Colombian armed forces in various acts involving violations of human rights,

"_Taking note_ of resolutions 1/92, 31/92, 32/91 and 33/91 of the Inter-American Commission on Human Rights which established the responsibility of the Colombian State in the extrajudicial execution of one person and the enforced disappearance of 16 persons,

"_Concerned_ about the effects on the civilian population of the conflict between the guerrilla movements and the Colombian armed forces, which has produced not only a large number of victims but also an increasing number of families displaced from their homes and lands,

"_Taking into account_ the fact that, during 1991, the Government of Colombia and the guerrilla groups initiated a process of negotiation in order to seek a political solution to the internal armed conflict, and recognizing that due respect for human rights and international humanitarian law represent major items on the agenda of the negotiations,

"_Aware_ of the weakness of the Colombian judicial system which experiences difficulties in investigating, discovering and punishing those responsible for human rights violations and other serious crimes,

"_Considering_ that it is necessary for the Government of Colombia to intensify investigations aimed at identifying and bringing to justice those responsible for violations of human rights, to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights, and to ensure the effectiveness of the judicial system to overcome the prevailing impunity,

"*Aware* of the need to promote the legislative development of the new Constitution in accordance with international human rights law,

"1. *Takes note* of the promulgation of the new Constitution of Colombia, of the ample catalogue of the rights and freedoms set forth therein and of the establishment of the protection mechanisms for the fundamental rights and freedoms of the tutelage action (*acción de tutela*) and the ombudsman (*Defensor del Pueblo*);

"2. *Invites* the Commission on Human Rights to consider, in consultation with the Government of Colombia, appointing an expert who would advise the Government and keep the Commission informed of obstacles encountered and progress made by the Government of Colombia, particularly on the following points:

"(a) In the legislative development of the 1991 Constitution, emphasizing the need to ensure compliance with international human rights law;

"(b) In the efforts to repress the activities of the paramilitary groups, advising the Government on the treatment to be given to those members of the armed forces associated with these groups and involved in gross human rights violations, and on the steps to take to achieve a democratic reform of the armed forces by civil authorities;

"(c) In the peace process, encouraging the parties to reach an agreement to respect human rights and apply international humanitarian law;

"(d) In the administration of justice, seeking to form an independent and impartial judiciary which combines efficiency with due respect for the guarantees and rights of persons;

"3. *Also invites* the Commission on Human Rights to consider the question at its forty-ninth session under the agenda item, entitled "Advisory services in the field of human rights."

187. At the 34th meeting, on 27 August 1992, the sponsors withdrew the draft resolution.

Humanitarian Situation in Iraq

188. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1992/L.47, sponsored by Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Saboia, Mr. Sachar and Ms. Warzazi. Mr. Ramadhane and Mr. Al-Khasawneh subsequently joined the sponsors.

189. Ms. Warzazi revised the title of the draft decision, which read "Situation in Iraq".

190. Ms. Chavez orally proposed to amend the draft decision as follows:

(a) Insert the words "cognizant of continuing human rights violations in Iraq, as documented in the interim report of the Special Rapporteur, Max van der Stoel" after "E/CN.4/Sub.2/1991/55";

(b) Insert the words "including the Government of Iraq" after the words "international community as a whole".

191. Ms. Chavez subsequently proposed to amend the draft decision further by adding the words "its previous resolutions on Iraq, and in particular" after the words "recalling also", and agreed to withdraw amendment (a) of her previously proposed amendments.

192. Ms. Ksentini proposed to amend the draft decision by replacing the words "not to obstruct" by the words "to facilitate" and adding the words "food and" after the words "supply of".

193. Ms. Ksentini further proposed to amend the draft decision by inserting the words "all Governments and to" between the words "appeal to" and the words "the international community".

194. Ms. Warzazi proposed to amend the draft decision by inserting the words "and to all Governments, including that of Iraq" between the words "as a whole" and the words "to facilitate".

195. Statements relating to the draft decision and the proposed amendments thereto were made by Ms. Attah, Mr. Bossuyt, Ms. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sachar, Mr. Tian and Ms. Warzazi.

196. The draft decision, as orally amended, was adopted without a vote.

197. For the text of the decision, see chapter II, section B, decision 1992/106.

Situation in East Timor

198. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.42, sponsored by Mr. Bossuyt, Mr. Eide, Mr. Joinet and Mr. Saboia.

199. Mr. Eide revised operative paragraph 1, which read as follows:

> "*Condemns* the massacre of East Timorese civilians, including women and children, on 12 November 1991, in Dili;".

200. A statement relating to the draft resolution was made by the observer for Indonesia.

201. At the request of Mr. Joinet, a vote was taken on the draft resolution.

202. The draft resolution was adopted by secret ballot by 13 votes to 6, with 4 abstentions.

203. For the text as adopted, see chapter II, section A, resolution 1992/20.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

A. The role and equal participation of women in development

204. The Sub-Commission considered item 7 together with item 8 (see chap. IX) at its 23rd to 26th meetings, from 19 to 21 August 1992.

205. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Letter dated 6 June 1992 from the Ministry of Foreign Affairs of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/41);
>
> Joint written statement submitted by the Women's International Democratic Federation, non-governmental organization in consultative status (category I), by the American Association of Jurists, General Arab Women Federation, International Association of Democratic Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Federation of Associations of Relatives of Disappeared Detainees, Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), by International Educational Development, International Progress Organization, Movement against Racism and for Friendship among Peoples and World Peace Council, non-governmental organizations on the Roster (E/CN.4/Sub.2/1992/NGO/25).

206. In the general debate on item 7, statements 1/ were made by the following members of the Sub-Commission: Mr. Despouy (26th), Mr. Eide (26th), Mr. Sachar (26th).

207. Statements were made by the observers for Colombia (26th) and Iraq (26th).

208. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (25th), General Arab Women Federation (25th), International Commission of Jurists (25th), International Educational Development (25th), International Fellowship of Reconciliation (25th), International League for the Rights and Liberation of Peoples (24th), International Peace Bureau (25th), Union of Arab Jurists (25th), Women's International League for Peace and Freedom (25th), World Organization against Torture (25th).

209. A statement equivalent to a right of reply was made by the observer for Brazil (26th).

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

210. The Sub-Commission considered item 8, together with item 7 (see chap. VIII), at its 23rd to 26th meetings, from 19 to 21 August, and at its 35th meeting, on 27 August 1992.

211. The Sub-Commission had before it the following documents in connection with its consideration of the item:

The right to adequate housing: working paper submitted by Mr. Rajindar Sachar, expert appointed pursuant to resolution 1991/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/15);

Final report submitted by Mr. Danilo Türk, Special Rapporteur (E/CN.4/Sub.2/1992/16);

Letter dated 6 June 1992 from the Ministry of Foreign Affairs of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/41);

Letter dated 22 July 1992 from the Ministry of Foreign Affairs of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1992/44);

Note by the Secretary-General (E/CN.4/Sub.2/1992/50);

Letter dated 24 August 1992 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/56);

Written statement submitted by the International Monetary Fund (E/CN.4/Sub.2/1992/57);

The human rights dimension of population transfer: preliminary working paper submitted by Ms. Claire Palley (E/CN.4/Sub.2/1992/WP.1);

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/2);

Written statement submitted by the International Federation for the Protection of Ethnic, Religious, Linguistic and other Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/3);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1992/NGO/5);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/7);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/15);

Joint written statement submitted by the Women's International Democratic Federation, non-governmental organization in consultative status (category I), by the American Association of Jurists, General Arab Women Federation, International Association of Democratic Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Federation of Associations of Relatives of Disappeared Detainees, Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), by International Educational Development, International Progress Organization, Movement against Racism and for Friendship among Peoples and World Peace Council, non-governmental organizations on the Roster (E/CN.4/Sub.2/1992/NGO/25).

212. At the 24th meeting, on 20 August 1992, Mr. Sachar introduced his report (E/CN.4/Sub.2/1992/15).

213. At the same meeting, the Special Rapporteur, Mr. Türk, introduced his report (E/CN.4/Sub.2/1992/16).

214. In the general debate on item 8, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (25th), Mr. Bossuyt (24th), Mr. Boutkevitch (25th), Ms. Chavez (24th), Mr. Despouy (26th), Mr. Eide (24th and 26th), Ms. Forero Ucros (24th), Mr. Guissé (24th), Mr. Hatano (24th), Mr. Khalil (25th), Ms. Ksentini (25th), Mr. Maxim (24th), Mr. Saboia (24th), Mr. Sachar (24th and 26th), Mr. Tian (25th) and Ms. Warzazi (25th).

215. Statements were made by the observers for Colombia (26th) and the United States of America (24th).

216. The representatives of the International Monetary Fund and the World Bank also made statements (24th).

217. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (25th), Centre Europe-Tiers Monde (25th), Four Directions Council (25th), General Arab Women Federation (25th), Habitat International Coalition (25th), Human Rights Advocates (25th), International Association against Torture (25th), International Association of Educators for World Peace (25th), International Commission of Jurists (25th), International Educational Development (25th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (25th), International Federation of Human Rights (25th), International Fellowship of Reconciliation (25th), International Humanist and Ethical Union (25th), International League for the Rights and Liberation of Peoples (24th),

International Movement ATD Fourth World (25th), International Movement for Fraternal Union among Races and Peoples (25th), International Organization for the Development of Freedom of Education (25th), International Peace Bureau (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (25th), Movement against Racism and for Friendship among Peoples (25th), Sierra Club Legal Defense Fund (25th), Union of Arab Jurists (25th), Women's International League for Peace and Freedom (25th), World Association for the School as an Instrument of Peace (25th).

218. Statements equivalent to a right of reply were made by the observers for China (26th), Guatemala (25th) and the Democratic People's Republic of Korea (25th).

219. At the 26th meeting, on 21 August 1992, the Special Rapporteur, Mr. Türk, made his concluding remarks.

220. At the same meeting, Mr. Sachar made his concluding remarks.

Promoting the realization of the right to adequate housing

221. At its 35th meeting, on 27 August 1992, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1992/L.22, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Tian, Ms. Warzazi and Mr. Yimer.

222. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

223. The draft resolution was adopted without a vote.

224. For the text as adopted, see chapter II, section A, resolution 1992/26.

Human rights and extreme poverty

225. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.27, sponsored by Ms. Chavez, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer. Ms. Attah subsequently joined the sponsors.

226. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

227. The draft resolution was adopted without a vote.

228. For the text as adopted, see chapter II, section A, resolution 1992/27.

Human rights dimensions of population transfer, including the implementation of settlers and settlements

229. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.40, sponsored by Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Maxim, Ms. Palley, Mr. Sachar, Ms. Warzazi and Mr. Yimer. Ms. Attah and Mr. Guissé subsequently joined the sponsors.

230. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

231. The draft resolution was adopted without a vote.

232. For the text as adopted, see chapter II, section A, resolution 1992/28.

Realization of economic, social and cultural rights

233. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.48, sponsored by Mr. Al-Khasawneh, Ms. Forero Ucros, Mr. Khalifa, Mr. Maxim, Mr. Saboia and Mr. Sachar. Ms. Attah, Mr. Boutkevitch, Mr. Guissé and Ms. Warzazi subsequently joined the sponsors.

234. The draft resolution was adopted without a vote.

235. For the text as adopted, see chapter II, section A, resolution 1992/29.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

236. The Sub-Commission considered item 9 at its 28th, 29th, 30th and 36th meetings (closed parts), on 24, 25 and 28 August 1992, and at its 35th meeting, on 27 August 1992.

237. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of not more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

238. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

239. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twentieth session, held from 20 to 31 July 1992 (E/CN.4/Sub.2/1992/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-third session in 1991, as well as all government replies relevant to the material before it. The Sub-Commission wishes to stress in this connection that replies from Governments to communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII) constitute an essential part of the material on the basis of which the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) take their decisions.

240. Mr. E.H. Guissé, on behalf of the Chairman-Rapporteur of the Working Group on Communications, Mr. T. Ramishvili, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-third session.

241. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-fifth session, in 1993, and to take no action with regard to certain communications which had been kept pending before it since its last session.

242. At its 36th meeting (closed part), on 28 August 1992, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

243. At its 35th meeting, on 27 August 1992, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-fifth session. For the composition of the Working Group, see chapter II, section B, decision 1992/111.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

A. Question of human rights of persons subjected to any form of detention or imprisonment

B. Question of human rights and states of emergency

C. Individualization of prosecution and penalties, and repercussions of violations of human rights on families

D. The right to a fair trial

244. The Sub-Commission considered item 10 together with item 11 (see chap. XII), at its 8th meeting, on 10 August, and at its 20th to 23rd and 35th meetings, from 18, 19 and 27 August 1992.

245. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1992/17);

The importance of measures to combat the practice of impunity for perpetrators of serious violations of human rights: working paper prepared by Mr. E.H. Guissé and Mr. L. Joinet (E/CN.4/Sub.2/1992/18);

Protection of the human rights of United Nations staff members, experts and their families: final report prepared by Ms. M.C. Bautista, Special Rapporteur (E/CN.4/Sub.2/1992/19);

Application of international standards concerning the human rights of detained juveniles: Report prepared by Ms. M.C. Bautista, Special Rapporteur, pursuant to Sub-Commission resolution 1991/16 (E/CN.4/Sub.2/1992/20);

Application of international standards concerning the human rights of detained juveniles: note by the Secretary-General submitted pursuant to Sub-Commission resolution 1991/16 (E/CN.4/Sub.2/1992/20/Add.1);

Study of the issue of the privatization of prisons: working paper submitted by the Secretary-General (E/CN.4/Sub.2/1992/21);

Report of the Working Group on Detention (E/CN.4/Sub.2/1992/22);

Fifth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. L. Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1992/23);

The right to a fair trial: current recognition and measures necessary for its strengthening: third report prepared by Mr. S. Chernichenko and Mr. W. Treat (E/CN.4/Sub.2/1992/24 and Add.1-3);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/11);

Written communication submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/12);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/13);

Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I), by the American Association of Jurists, Andean Commission of Jurists - Colombian Section, Arab Lawyers Union, Arab Organization for Human Rights, Commission for the Defence of Human Rights in Central America, Commission of the Churches on International Affairs of the World Council of Churches, Defence for Children International, Human Rights Advocates, International Association of Democratic Lawyers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Service for Human Rights, Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi International, Pax Romana, Service Justice and Peace in Latin America, Union of Arab Jurists, Women's International League for Peace and Freedom, World Association of Former United Nations Interns and Fellows and World University Service, non-governmental organizations in consultative status (category II), and by the Movement against Racism and for Friendship among Peoples, World Organization against Torture and World Social Prospects Association, non-governmental organizations on the Roster (E/CN.4/Sub.2/1992/NGO/20);

Social Development: crime prevention and criminal justice: note by the Secretary-General (A/46/703 and Corr.1);

Report submitted by the Secretary-General on behalf of and with the approval of the members of the Administrative Committee on Coordination (A/C.5/46/4).

246. At the 8th meeting, on 10 August 1992, Mr. S. Chernichenko and Mr. W. Treat introduced their report (E/CN.4/Sub.2/1992/24 and Add.1-3).

247. At the 20th meeting, on 18 August 1992, Mr. L. Despouy introduced his report (E/CN.4/Sub.2/1992/23).

248. At the same meeting, Mr. Guissé introduced the working paper prepared by Mr. Joinet and himself (E/CN.4/Sub.2/1992/18).

249. At the same meeting, Mr. Guissé, Chairman of the Working Group on Detention, also introduced the report of the Working Group (E/CN.4/Sub.2/1992/22).

250. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Boutkevitch (23rd), Mr. Eide (23rd), Ms. Forero Ucros (23rd), Mr. Khalil (22nd), Ms. Ksentini (22nd and 23rd), Ms. Palley (23rd), Mr. Sachar (22nd), Ms. Warzazi (22nd).

251. Statements were made by the observers for China (23rd), Colombia (23rd), Ethiopia (23rd) and Turkey (23rd).

252. The representative of the Centre for Social Development and Humanitarian Affairs also made a statement (20th).

253. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (22nd), Amnesty International (21st), Andean Commission of Jurists (21st), Arab Organization for Human Rights (21st), Centre Europe-Tiers Monde (21st), France-Libertés: Fondation Danielle Mitterrand (21st), Human Rights Advocates (21st), International Abolitionist Federation (22nd), International Association against Torture (22nd), International Association of Democratic Lawyers (21st), International Educational Development (21st), International Falcon Movement-Socialist Educational International (23rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (23rd), International Federation of Human Rights (21st), International Fellowship of Reconciliation (22nd), International Indian Treaty Council (23rd), International League for the Rights and Liberation of Peoples (21st), International Progress Organization (22nd), International Work Group for Indigenous Affairs (22nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (23rd), Liberation (21st), Movement against Racism and for Friendship among Peoples (22nd), National Aboriginal and Islander Legal Service Secretariat (23rd), Pax Christi International (23rd), Service Peace and Justice in Latin America (23rd), War Amputations of Canada (21st), World Federalist Movement (22nd), World Movement of Mothers (22nd), World Muslim Congress (23rd), World Organization against Torture (23rd), World University Service (23rd).

254. Statements equivalent to a right of reply were made by the observers for: Algeria (23rd), Egypt (23rd), Greece (23rd), India (23rd), Indonesia (23rd), Japan (23rd), Malaysia (23rd), Morocco (23rd), Pakistan (23rd), Senegal (21st), Syrian Arab Republic (21st), Tunisia (23rd).

255. At the 23rd meeting, on 19 August 1992, Mr. Guissé made his concluding remarks.

256. At the same meeting, Mr. L. Despouy made his concluding remarks.

Right to a fair trial

257. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.2, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Saboia, Ms. Warzazi and Mr. Yimer. Ms. Daes subsequently joined the sponsors.

258. Mr. Guissé proposed to add a new paragraph as a fourth preambular paragraph.

259. The amendment was accepted by the sponsors.

260. Statements relating to the draft resolution were made by Mr. Chernichenko and Ms. Ksentini.

261. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

262. The draft resolution, as orally amended, was adopted without a vote.

263. For the text, as adopted, see chapter II, section A, resolution 1992/21.

Question of human rights and states of emergency

264. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.24, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer. Ms. Daes, Ms. Attah and Mr. Ramadhane subsequently joined the sponsors.

265. Mr. Guissé made a statement relating to the draft resolution.

266. A statement of the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

267. The draft resolution was adopted without a vote.

268. For the text as adopted, see chapter II, section A, resolution 1992/22.

Question of the impunity of perpetrators of violations of human rights

269. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.28, sponsored by Mr. Bossuyt, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Khalil, Mr. Maxim, Mrs. Mbonu, Ms. Palley and Mr. Yimer. Mr. Sachar and Ms. Ksentini subsequently joined the sponsors.

270. Ms. Ksentini proposed the following amendments:

(a) In the first preambular paragraph, add the words ", the International Covenant on the Economic, Social and Cultural Rights," after the words "Human Rights"; also add the words "other relevant human rights instruments" after the words "Political Rights";

(b) Add a new paragraph as the final preambular paragraph;

(c) In operative paragraph 5, after the word "under", the words "a sub-item, entitled 'Question of the impunity of perpetrators of violations of human rights'", of the item, entitled "The administration of justice and the human rights of detainees" were replaced.

271. Mr. Despouy revised the draft resolution by adding a new paragraph as operative paragraph 4; the remaining operative paragraphs were renumbered accordingly.

272. The proposed amendments were accepted by the sponsors.

273. Statements relating to the draft resolution were made by Mr. Despouy, Mr. Guissé, Mr. Joinet and Mr. Tian.

274. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

275. The draft resolution was adopted without a vote.

276. For the text as adopted, see chapter II, section A, resolution 1992/23.

Violations of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

277. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.36, sponsored by Mr. Bossuyt, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Hakim, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley and Mr. Saboia. Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Mr. Joinet and Ms. Palley subsequently joined the sponsors.

278. Ms. Daes proposed the following amendments:

(a) In the first preambular paragraph, insert the words "including experts, special rapporteurs and consultants" after the words "other persons" and the word "system" after the words "the United Nations";

(b) In the fourth preambular paragraph, insert the words "and the above-mentioned other persons" after the words "staff members";

(c) In operative paragraph 3, insert the words "the competent organizations of" after the words "upon by" and the word "system" after the words "United Nations";

(d) In operative paragraph 5, insert the words "or the above-mentioned other persons and their families" after the word "system";

(e) In operative paragraph 8 replace, the words "Calls upon" by the words "Recommends to";

(f) In operative paragraph 3 of the draft resolution recommended to the Commission on Human Rights for adoption, the words ", special rapporteurs and consultants" were inserted after the word "experts".

279. Mr. Guissé proposed to add, in operative paragraph 1, the words "and appeals to Governments of countries where United Nations staff members and comparable officials are detained, to release them immediately." after the words "of their families".

280. The proposed amendments were accepted by the sponsors.

281. Statements relating to the draft resolution were made by Ms. Daes, Ms. Ksentini and Ms. Palley.

282. The draft resolution, as orally amended, was adopted without a vote.

283. For the text as adopted, see chapter II, section A, resolution 1992/24.

Study of the issue of the privatization of prisons

284. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1992/L.38, sponsored by Mr. Boutkevitch, Mr. Despouy, Mr. Guissé and Mr. Hakim.

285. Statements relating to the draft decision were made by Mr. Guissé, Mr. Joinet and Ms. Ksentini.

286. The draft decision was adopted without a vote.

287. For the text as adopted, see chapter II, section B, decision 1992/107.

The application of international standards concerning the human rights of detained juveniles

288. At the same meeting, Ms. Warzazi orally proposed a draft resolution.

289. Ms. Ksentini proposed to amend the draft resolution as follows:

(a) In the first preambular paragraph, add the words "and the addendum to the report containing the note by the Secretary-General, on the question of detained juveniles" at the end of the paragraph;

(b) In operative paragraph 2, insert "contained in his note" after the word "Secretary-General", and delete the words "of the Centre for Social Development and Humanitarian Affairs" after the words "Criminal Justice Branch";

(c) In operative paragraph 3, insert the words "and the Working Group on Contemporary Forms of Slavery" after the words "the Rights of the Child";

(d) In operative paragraph 4, insert the words "for the organization and" after the words "necessary assistance".

290. Statements relating the draft resolution were made by Mr. Boutkevitch, Mr. Chernichenko and Ms. Warzazi.

291. The draft resolution, as orally amended, was adopted without a vote.

292. For the text as adopted, see chapter II, section A, resolution 1992/25.

XII. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

293. The Sub-Commission considered item 11 together with item 10 (see chap. XI), at its 20th to 23rd meetings, on 18 and 19 August, and at its 35th and 36th meetings, on 27 and 28 August 1992.

294. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Report on the independence of the judiciary and the protection of practising lawyers, prepared by Mr. Louis Joinet pursuant to Sub-Commission resolution 1991/35 (E/CN.4/Sub.2/1992/25 and Add.1);
>
> Written statement by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/11).

295. At the 20th meeting, on 18 August 1992, the Special Rapporteur, Mr. L. Joinet, introduced his report (E/CN.4/Sub.2/1992/25 and Add.1).

296. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (23rd), Ms. Forero Ucros (23rd), Mr. Guissé (23rd), Mr. Khalil (22nd), Mr. Sachar (22nd) and Ms. Warzazi (22nd).

297. Statements were made by the observers for Colombia (23rd) and Turkey (23rd).

298. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (23rd), Andean Commission of Jurists (21st), International Commission of Jurists (21st), International Educational Development (23rd), International Federation of Human Rights (21st), International League for the Rights and Liberation of Peoples (23rd), International Progress Organization (22nd), International Union of Lawyers (22nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (23rd), Liberation (22nd), Movement against Racism and for Friendship among Peoples (23rd), World Organization against Torture (22nd).

299. Statements equivalent to a right of reply were made by the observers for Algeria (23rd) and Nigeria (22nd).

300. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.39, sponsored by Mr. Bossuyt, Ms. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Maxim and Mr. Yimer. Mr. Sachar subsequently joined the sponsors.

301. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Despouy, Mr. Guissé, Mr. Joinet, Ms. Ksentini and Ms. Warzazi.

302. Mr. Joinet proposed to amend operative paragraph 2 of the draft resolution by replacing the words "recommendations contained in the report" with the words "recommendation contained in paragraph 10 of the amendment to the report".

303. The proposed amendment was accepted by the sponsors.

304. The Sub-Commission postponed consideration of the draft resolution.

305. At its 36th meeting, on 28 August 1992, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1992/L.39.

306. Mr. Despouy revised the draft resolution as follows:

(a) In operative paragraph 4 (a), the words "In carrying out this task, he will take initiatives with a view to, inter alia, improving contradictory procedures" were deleted after the words "United Nations standards";

(b) In operative paragraph 8, the same deletion was made in paragraph 2 (a) of the text of the draft resolution recommended to the Commission on Human Rights for adoption.

307. The draft resolution, as revised and amended, was adopted without a vote.

308. For the text as adopted, see chapter II, section A, resolution 1992/38.

XIII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

309. The Sub-Commission considered item 12 at its 3rd, 4th and 17th meetings, on 4, 5 and 14 August 1992.

310. In connection with its consideration of the item, the Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1992/26).

311. In the general debate on the item, a statement 1/ was made by Mr. Joinet (3rd).

312. At the 17th meeting, on 14 August 1992, the Sub-Commission considered draft decision E/CN.4/Sub.2/1992/L.4, submitted by Mr. Chernichenko.

313. Ms. Warzazi made a statement relating to the draft decision.

314. The draft decision was adopted without a vote.

315. For the text as adopted, see chapter II, section B, decision 1992/104

XIV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

316. The Sub-Commission considered item 13 at its 3rd and 17th meetings, on 4 and 14 August 1992.

317. In connection with its consideration of the item, the Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1992/27 and Corr.1).

318. At the 3rd meeting, on 4 August 1992, the Chairman, in accordance with Sub-Commission resolution 1990/24 of 31 August 1990, appointed Ms. Ksentini to report to the Sub-Commission on the information received under that resolution. At the same meeting, Ms. Ksentini presented an analysis of the information received.

319. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Bossuyt (3rd), Ms. Chavez (3rd), Mr. Guissé (3rd), Mr. Joinet (3rd), Ms. Ksentini (3rd), Mr. Maxim (3rd) and Mr. Sachar (3rd).

320. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Amnesty International (3rd) and the International Fellowship of Reconciliation (3rd).

321. At its 17th meeting, on 14 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.5, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer.

322. Statements relating to the draft resolution were made by Mr. Al-Khasawneh, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Ms. Ksentini, Ms. Warzazi and Mr. Yimer.

323. The draft resolution was adopted without a vote.

324. For the text as adopted, see chapter II, section A, resolution 1991/1.

XV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

325. The Sub-Commission considered item 14 at its 12th, 13th and 27th meetings, on 12 and 21 August 1992.

326. The Sub-Commission had before it the following document in connection with its consideration of the item:

> Interrelationship between human rights and international peace: working paper prepared by Mr. M. Bhandare pursuant to Sub-Commission resolution 1989/47 of 1 September 1989 (E/CN.4/Sub.2/1991/32 and Corr.1).

327. At the 13th meeting, on 12 August 1992, Mr. Bhandare made a statement concerning his working paper (E/CN.4/Sub.2/1991/32 and Corr.1).

328. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (13th), Mr. Boutkevitch (12th), Mr. Eide (12th) and Ms. Mbonu (12th).

329. Statements were made by the observers for Bosnia and Herzegovina (12th) and Turkey (12th).

330. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Four Directions Council (12th), Human Rights Advocates (12th), Indigenous World Association (12th), International Association of Educators for World Peace (12th), International Fellowship of Reconciliation (12th), International League for the Rights and Liberation of Peoples (12th), Movement against Racism and for Friendship among Peoples (12th), Pax Christi International (12th), Women's International League for Peace and Freedom (12th), World Federalist Movement (12th).

331. Statements equivalent to a right of reply were made by the observers for Azerbaijan (12th) and the Syrian Arab Republic (12th).

332. At the 27th meeting, on 21 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.14, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Chernichenko, Mr. Despouy, Mr. Khalil, Mr. Maxim, Mr. Sachar and Mr. Tian.

333. The draft resolution was adopted without a vote.

334. For the text as adopted, see chapter II, section A, resoltuion 1992/7.

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

335. The Sub-Commission considered item 15 at its 31st and 35th meetings, on 25 and on 27 August 1992.

336. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Draft declaration on the rights of indigenous peoples: revised working paper submitted by the Chairperson-Rapporteur of the Working Group in Indigenous Populations, Ms. E.-I. Daes, pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/30 and Commission on Human Rights resolution 1992/44 (E/CN.4/Sub.2/1992/28);

Economic and social relations between indigenous peoples and States: report of the Secretary-General (E/CN.4/Sub.2/1992/29);

Intellectual property of indigenous peoples: concise report of the Secretary-General (E/CN.4/Sub.2/1992/30);

Report of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples (E/CN.4/Sub.2/1992/31 and Add.1);

Study on treaties, agreements and other constructive arrangements between States and indigenous populations: first progress report submitted by Mr. M. Alfonso Martínez, Special Rapporteur (E/CN.4/Sub.2/1992/32);

Report of the Working Group on Indigenous Populations on its tenth session (E/CN.4/Sub.2/1992/33 and Add.1);

Transnational investments and operations on the lands of indigenous peoples: report of the United Nations Transnational Corporations and Management Division pursuant to Sub-Commission resolution 1990/26 (E/CN.4/Sub.2/1992/54);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/24).

337. At the 31st meeting, on 25 August 1992, Ms. E.-I. Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group (E/CN.4/Sub.2/1992/33 and Add.1).

338. At the same meeting, the Special Rapporteur, Mr. M. Alfonso Martínez, introduced his report (E/CN.4/Sub.2/1992/32).

339. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (31st), Ms. Forero Ucros (31st), Mr. Guissé (31st), Mr. Hatano (31st), Mr. Saboia (31st), Mr. Sachar (31st) and Ms. Warzazi (31st).

340. The observer for Australia made a statement (31st).

341. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Anglican Consultative Council (31st), Centre Europe-Tiers Monde (31st), Four Directions Council (31st), Indian Council of South America (31st), Indigenous World Association (31st), International Association Against Torture (31st), International Association of Educators for World Peace (31st), International Commission of Jurists (31st), International Confederation of Free Trade Unions (31st), International Federation of Human Rights (31st), International Federation Terre des Hommes (31st), International Indian Treaty Council (31st), International League for the Rights and Liberation of Peoples (31st), International Work Group for Indigenous Affairs (31st), National Aboriginal and Islanders Legal Service Secretariat (31st).

342. At the 31st meeting, on 25 August 1992, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Daes, made her concluding remarks.

343. At the same meeting, the Special Rapporteur, Mr. Alfonso Martínez, made his concluding remarks.

Draft universal declaration on indigenous peoples

344. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.32, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko, Ms. Daes and Mr. Hatano.

345. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

346. The draft resolution was adopted without a vote.

347. For the text as adopted, see chapter II, section A, resolution 1992/33.

International Year for the World's Indigenous People

348. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.33, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko, Ms. Daes and Mr. Hatano.

349. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

350. The draft resolution was adopted without a vote.

351. For the text as adopted, see chapter II, section A, resolution 1992/34.

Cultural and intellectual property of indigenous peoples

352. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.34, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko and Mr. Hatano.

353. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

354. The draft resolution was adopted without a vote.

355. For the text as adopted, see chapter II, section A, resolution 1992/35.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

356. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1992/L.35, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko, Ms. Daes and Mr. Hatano.

357. A statement on the cost estimate relating to the draft decision was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

358. The draft decision was adopted without a vote.

359. For the text, see chapter II, section B, decision 1992/110.

Relocation of Navajo and Hopi families

360. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.43, sponsored by Mr. Eide, Mr. Hatano and Ms. Warzazi. Ms. Attah and Ms. Chavez subsequently joined the sponsors.

361. The draft resolution was adopted without a vote.

362. For the text as adopted, see chapter II, section A, resolution 1992/36.

363. At the same meeting, Ms. Daes made a statement concerning the resolutions and decision adopted under agenda item 15.

XVII. CONTEMPORARY FORMS OF SLAVERY

364. The Sub-Commission considered item 16 at its 7th, 8th, 10th and 17th meetings, on 7, 10, 11 and 14 August 1992.

365. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34);
>
> The recruitment of children into governmental and non-governmental armed forces: updated report of the Secretary-General prepared pursuant to Sub-Commission resolution 1991/34 (E/CN.4/Sub.2/1992/35 and Add.1).

366. At the 7th meeting, on 7 August 1992, Ms. Ksentini, on behalf of the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, Mr. Al-Khasawneh, introduced the report of the Working Group (E/CN.4/Sub.2/1992/34).

367. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (10th), Mr. Boutkevitch (7th), Ms. Chavez (7th), Mr. Eide (7th), Mr. Guissé (7th), Mr. Joinet (7th), Mr. Maxim (7th), Mr. Merrills (10th), Mr. Sachar (7th), Mr. Saboia (7th), Ms. Warzazi (10th) and Mr. Yimer (7th).

368. Statements were made by the observers for Brazil (10th), the Democratic People's Republic of Korea (7th) and the Republic of Korea (7th).

369. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Anti-Slavery International for the Protection of Human Rights (10th), Centre Europe-Tiers Monde (7th), Commission of the Churches on International Affairs of the World Council of Churches (10th), International Abolitionist Federation (10th), International Association of Democratic Lawyers (10th), International Catholic Child Bureau (7th), International Educational Development (7th), International Federation Terre des Hommes (7th), International Fellowship of Reconciliation (7th), World Association for the School as an Instrument of Peace (7th).

370. A statement equivalent to a right of reply was made by the observer for Japan (8th).

371. At its 17th meeting, on 14 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.3, sponsored by Mr. Al-Khasawneh, Ms. Ferriol Echevarría, Ms. Ksentini, Mr. Maxim and Mr. Merrills. Ms. Warzazi subsequently joined the sponsors.

372. Mr. Al-Khasawneh revised the draft resolution as follows:

(a) In operative paragraph 4, the words "children's bodily products" were replaced by the words "child labour";

(b) Operative paragraph 9, reading: "Decides to transmit the draft programme of action for the elimination of the exploitation of child labour to the Commission on Human Rights;" was replaced by a new paragraph.

373. Ms. Ksentini revised the draft resolution as follows:

In operative paragraph 29:

(a) The words "the recommendations of the Sub-Commission contained in" were deleted;

(b) The words "of relevance to them" were deleted;

(c) The words "the recommendations of the Sub-Commission contained in this resolution of relevance to them and the report of the Working Group on its seventeenth session;" were replaced by "the present resolution, as well as the report of the Working Group on its seventeenth session, drawing their attention to the recommendations contained therein of relevance to them and transmitting any information which is of concern to them;".

374. Mr. Boutkevitch orally proposed the insertion, in operative paragraph 14, of the words "the prohibition of" after "concerning".

375. Mr. Yimer orally proposed the insertion, in operative paragraph 14, of the words "the suppression of" after "concerning".

376. Mr. Guissé orally proposed the deletion, in operative paragraph 12, of the words "continue to take part in hostilities and".

377. Ms. Warzazi made a statement relating to the draft resolution.

378. The amendments proposed by Mr. Al-Khasawneh, Mr. Guissé, and Mr. Yimer were accepted by the sponsors.

379. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

380. The draft resolution, as orally revised and amended, was adopted without a vote.

381. For the text as adopted, see chapter II, section A, resolution 1992/2.

382. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.6, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Ms. Warzazi.

383. The draft resolution was adopted without a vote.

384. For the text as adopted, see chapter II, section A, resolution 1992/3.

XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

A. PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

B. PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN

385. The Sub-Commission considered item 17 at its 4th to 7th and 17th meetings, from 5 to 7 and on 14 August 1992.

386. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Human rights and youth: final report submitted by Mr. Dumitru Mazilu, Special Rapporteur (E/CN.4/Sub.2/1992/36);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/16).

387. At the 6th meeting, on 7 August 1992, the Special Rapporteur, Mr. D. Mazilu, introduced his report (E/CN.4/Sub.2/1992/36).

388. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (5th and 6th), Mr. Boutkevitch (5th), Mr. Chernichenko (5th), Mr. Despouy (6th), Mr. Eide (4th, 5th and 6th), Mr. Guissé (4th, 5th and 6th), Mr. Hakim (6th), Mr. Khalifa (5th), Ms. Ksentini (5th and 6th), Mr. Maxim (4th and 6th), Mr. Merrills (6th), Mr. Sachar (5th and 6th), Mr. Tian (5th and 6th), Ms. Warzazi (4th and 5th) and Mr. Yimer (5th).

389. The observer for Iraq made a statement (6th).

390. The representative of the International Labour Office made a statement (4th).

391. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (6th), Human Rights Advocates (6th), International Abolitionist Federation (6th), International Association of Democratic Lawyers (4th), International Federation of Human Rights (4th), International Organization for the Development of Freedom of Education (6th), International Work Group for Indigenous Affairs (6th), Latin American Federation of Associations of Relatives of Disappeared Detainees (6th), World Movement of Mothers (6th), World University Service (6th).

392. Statements equivalent to a right to reply were made by the observers for the Syrian Arab Republic (4th), Tunisia (5th) and Yugoslavia (7th).

393. At the 6th meeting, on 7 August 1992, the Special Rapporteur made his concluding remarks.

394. At the 17th meeting, on 14 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.7, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian, Ms. Warzazi and Mr. Yimer.

395. Mr. Yimer revised operative paragraph 1 of the draft resolution as follows:

(a) The word "Recommends" was replaced by "Reaffirms";

(b) The word "be" was replaced by "are";

(c) The word "inalienable" was added between the words "as" and "human rights";

(d) The word "should" was added between the words "they" and "be treated".

396. Statements relating to the draft resolution and the revisions thereto were made by Mr. Boutkevitch, Mr. Guissé, Mr. Heller and Ms. Warzazi.

397. The draft resolution, as orally revised, was adopted without a vote.

398. For the text as adopted, see chapter II, section A, resolution 1992/4.

XIX. PROTECTION OF MINORITIES

399. The Sub-Commission considered item 18 at its 32nd, 33rd and 35th meetings, held on 26 and on 27 August 1992.

400. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: second progress report submitted by the Mr. A. Eide, Special Rapporteur, (E/CN.4/Sub.2/1992/37 and Add.1 and 2);
>
> Written statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/17);
>
> Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1992/NGO/27).
>
> Report of the Working Group on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (E/CN.4/1992/48 and Corr.1 and 2).

401. At the 32nd meeting, on 26 August 1992, the Special Rapporteur, Mr. A. Eide, introduced his report (E/CN.4/Sub.2/1992/37 and Add.1 and 2).

402. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (32nd), Ms. Attah (32nd), Mr. Bossuyt (32nd), Ms. Chavez (32nd), Mr. Chernichenko (32nd and 33rd), Ms. Daes (33rd), Mr. Despouy (33rd), Mr. Eide (32nd), Ms. Forero Ucros (32nd), Mr. Guissé (32nd), Mr. Hakim (32nd), Mr. Khalil (32nd), Ms. Ksentini (32nd), Mr. Maxim (32nd), Ms. Palley (32nd), Mr. Sachar (32nd) and Mr. Tian (33rd).

403. Statements were made by the observers for Lithuania (33rd), Myanmar (33rd), Romania (33rd) and Yugoslavia (33rd).

404. The Sub-Commission also heard statements by the following non-governmental organizations: Centre Europe-Tiers Monde (33rd), Coordinating Board of Jewish Organizations (32nd), Human Rights Advocates (32nd), Indian Council of South America (33rd), Indigenous World Association (33rd), International Association of Educators for World Peace (33rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (33rd), International Fellowship of Reconciliation (33rd), International Peace Bureau (33rd), International Work Group for Indigenous Affairs (33rd), Liberal International (33rd), Pax Christi International (33rd).

405. A statement equivalent to a right of reply was made by the observer for the Russian Federation (33rd).

406. At the 33rd meeting, on 26 August 1992, the Special Rapporteur made his concluding remarks.

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

407. At the 35th meeting, on 27 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.30, sponsored by Mr. Bossuyt, Mr. Despouy, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Saboia, Mr. Tian and Mr. Yimer. Mr. Boutkevitch, Ms. Chavez, Ms. Daes, Mr. Guissé and Mr. Sachar subsequently joined the sponsors.

408. A statement on the cost estimate relating to the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

409. The draft resolution was adopted without a vote.

410. For the text as adopted, see chapter II, section A, resolution 1992/37.

XX. THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

411. The Sub-Commission considered item 19 at its 31st meeting, on 25 August 1992.

412. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (31st), Mr. Boutkevitch (31st), Mr. Despouy (31st), Mr. Eide (31st), Mr. Guissé (31st), Mr. Hakim (31st), Ms. Palley (31st) and Mr. Tian (31st).

413. A statement was also made by the following non-governmental organizations: Friends World Committee for Consultation (Quakers) (31st), International Fellowship of Reconciliation (31st), International League for the Rights and Liberation of Peoples (31st).

414. In addition, a joint statement was made by the International Work Group for Indigenous Affairs on behalf of: Habitat International Coalition, Human Rights Advocates, Indigenous World Association, International Educational Development, International Fellowship of Reconciliation, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Movement Against Racism and for Friendship Among Peoples, National Aboriginal and Islander Legal Service Secretariat, Pax Christi International, Sierra Club Legal Defense Fund, Third World Movement Against the Exploitation of Women, World Organization Against Torture (31st) .

415. A statement equivalent to a right of reply was made by the observer for the Syrian Arab Republic (31st).

XXI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-FIFTH SESSION OF THE SUB-COMMISSION

416. The Sub-Commission considered agenda item 20 at its 36th meeting, held on 28 August 1992.

417. In connection with the consideration of this item, the Sub-Commission had before it a note prepared by the Secretary-General in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974 (E/CN.4/Sub.2/1992/L.1), containing a draft provisional agenda for the forty-fifth session of the Sub-Commission, a list of the documents to be submitted under each item and the legislative authority for their preparation.

418. The Sub-Commission recalled its resolutions 1985/34 and 1989/1, in which it decided that the following items would be considered on a biennial basis, starting at its thirty-ninth session for the items:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

and at its fortieth session for the items:

(a) Human rights and disability;

(b) Human rights and scientific and technological developments;

(c) Encouragement of universal acceptance of human rights instruments.

419. At its 36th meeting, on 28 August 1992, the Sub-Commission took note of the draft provisional agenda (E/CN.4/Sub.2/1992/L.1), as revised.

420. The text of the draft provisional agenda for the forty-fifth session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1992/66, Sub-Commission resolutions 5 (XIV) and 1992/8 and decision 2 (XXXIV).

4. Review of further developments in fields with which the Sub-Commission has been concerned.

Legislative authority: Sub-Commission resolutions 1991/23, 1992/23 and 1992/31 and 1992/32 and decisions 1992/108 and 1992/109.

Documentation:

(a) Report by the Special Rapporteur (para. 1 (b) of resolution 1991/23);

(b) Preliminary report by the two Special Rapporteurs (para. 5 of resolution 1992/23);

(c) Second progress report by the Special Rapporteur (para. 3 of resolution 1992/31);

(d) Final report by the Special Rapporteur (para. 2 of resolution 1992/32);

(e) Final report by the Special Rapporteur (decision 1992/108);

(f) Working paper by a member of the Sub-Commission (decision 1992/109).

5. Elimination of racial discrimination.

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

Legislative authority: Sub-Commission resolutions 1992/5 and 1992/6.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1992/10, 1992/15, 1992/16 and 1992/20.

Documentation:

(a) Note by the Secretary-General (para. 5 of resolution 1992/15);

(b) Updated list of the Secretary-General (para. 10 of resolution 1992/19).

7. The new international economic order and the promotion of human rights.

(a) The role and equal participation of women in development

Legislative authority: Sub-Commission resolutions 1987/26 and 1989/1

Documentation:

Report of the Commission on the Status of Women (resolution 1987/26)

Report of the Committee on the Elimination of Discrimination against Women (resolution 1987/26)

8. The realization of economic, social and cultural rights.

Legislative authority: Sub-Commission resolutions 1992/26, 1992/27, 1992/28 and 1992/29.

Documentation:

(a) Progress report by the Special Rapporteur (para. 4 of resolution 1992/26);

(b) Preliminary report by the Special Rapporteur (para. 1 of resolution 1992/27);

(c) Preliminary study by the two Special Rapporteurs (para. 6 of resolution 1992/28);

(d) Note by the Secretary-General (para. 11 of resolution 1992/29).

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees:

(a) Question of the human rights of persons subjected to any form of detention or imprisonment.

Legislative authority: Sub-Commission resolutions 7 (XXVII), 1992/25 and decision 1992/107.

Documentation:

(a) Annual reports of the Secretary-General (resolution 7 (XXVII));

(b) Note by the Secretary-General (para. 5 of resolution 1992/25);

(c) Working paper by a member of the Sub-Commission (decison 1992/107).

(b) Question of human rights and states of emergency.

Legislative authority: Sub-Commission resolution 1992/22.

Documentation:

Annual report and updated list by the Special Rapporteur (para. 7 of resolution 1992/22).

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(d) The right to a fair trial

Legislative authority: Sub-Commission resolution 1992/21.

Documentation:

Fourth report by the two Special Rapporteurs (para. 2 of resolution 1992/21).

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Legislative authority: Sub-Commission resolution 1992/38.

Documentation:

Report by the Special Rapporteur (paras. 4 and 7 of resolution 1992/38.

12. Human rights and disability.

Legislative authority. Sub-Commission resolution 1985/34.

13. Elimination of all forms of intolerance and of discrimination based on religion and belief.

Legislative authority: Sub-Commission resolution 1985/34.

14. Discrimination against indigenous peoples.

Legislative authority: Economic and Social resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/38, 1991/32, 1992/33 and 1992/35.

Documentation:

Study by the Special Rapporteur (para. 2 of Sub-Commission resolution 1991/32 and para. 1 of resolution 1992/35 and Economic and Social Council decision 1992/256.

15. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions (16 and 17 LVI) and Sub-Commission resolutions 1989/41, 1992/2 and 1992/3.

Documentation:

(a) Report of the Secretary-General (para. 20 of resolution 1992/2);

(b) Report of the Secretary-General (para. 2 of resolution 1992/3).

16. Promotion, protection and restoration of human rights at national, regional and international levels.

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Prevention of discrimination and protection of women.

Legislative authority: Commission on Human Rights resolution 1985/13 and Sub-Commission resolution 1992/4.

Documentation:

Report of the Secretary-General (para. 4 of resolution 1992/4).

17. Protection of minorities.

Legislative authority: Sub-Commission resolutions 1989/44 and 1992/37.

Documentation:

Final report by the Special Rapporteur (para. 6 of resolution 1992/37).

18. Freedom of movement.

Legislative authority: Sub-Commission decision 1992/112.

19. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-sixth session of the Sub-Commission.

20. Adoption of the report of the forty-fifth session.

XXII. ADOPTION OF THE REPORT ON THE FORTY-THIRD SESSION

421. At the 36th meeting, on 28 August 1992, the Sub-Commission considered the draft report on the work of its forty-fourth session.

422. At the same meeting, the Sub-Commission adopted the draft report and decided to entrust the Rapporteur with its finalization.

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

5. Review of further developments in fields with which the Sub-Commision has been concerned.

5. Elimination of racial discrimination:

    (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

    (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights, resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

    (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

    (a) Question of the human rights of persons subjected to any form of detention or imprisonment;

    (b) Question of human rights and states of emergency;

    (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

    (d) The right to a fair trial.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

12. Human rights and scientific and technological developments.

13. Encouragement of universal acceptance of human rights instruments.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

15. Discrimination against indigenous peoples.

16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Prevention of discrimination and protection of women.

18. Protection of minorities.

19. The right of everyone to leave any country, including his own, and to return to his country.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fifth session of the Sub-Commission.

21. Adoption of the report of the forty-fourth session.

Annex II

ATTENDANCE

Members and alternates

Name	Country of nationality	Term expires in**
Mr. Miguel Alfonso Martínez *Ms Marianela Ferriol Echevarría	(Cuba)	1996
Mr. Awn Shawkat Al-Khasawneh *Mr. Waleed M. Sadi	(Jordan)	1994
Mrs. Judith Sefi Attah *Mrs. Christy Ezim Mbonu	(Nigeria)	1994
Mr. Marc Bossuyt *Mr. Guy Genot	(Belgium)	1996
Mr. Volodymyr Boutkevitch *Mr. Olexandre Kouptchichine	(Ukraine)	1996
Ms. Linda Chavez *Mr. Robert J. Portman	(United States of America)	1996
Mr. Stanislav V. Chernichenko *Mr. Teimuraz O. Ramishvili	(Russian Federation)	1994
Ms. Erica-Irene A. Daes *Mr. Alexis Heraclides	(Greece)	1994
Mr. Leandro Despouy *Mr. Juan Carlos Hitters	(Argentina)	1994
Mr. Asbjorn Eide *Mr. Jan Helgesen	(Norway)	1996
Mrs. Clemencia Forero Ucros *Mr. Jorge Orlando Melo	(Colombia)	1996

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* Alternate

** Term of office expires upon election of members of the Sub-Commission at the 50th (1994) or 52nd (1996) session of the Commission on Human rights.

Name	Country of nationality	Term expires in**
Mr. El Hadji Guissé	(Senegal)	1994
*Mr. Ndary Toure		
Mr. Maksum-Ul-Hakim	(Bangladesh)	1996
*Mr. Tofazzal Hossain Khan		
Mr. Ribot Hatano	(Japan)	1996
*Mr. Yozo Yokota		
Mr. Claude Heller	(Mexico)	1994
*Mr. Héctor Fix Zamudio		
Mr. Louis Joinet	(France)	1994
*Mr. Alain Pellet		
Mr. Ahmed Khalifa	(Egypt)	1996
*Mr. Ahmed Khalil		
Ms. Fatma Zohra Ksentini	(Algeria)	1994
*Ms. Farida Aiouaze		
Mr. Ioan Maxim	(Romania)	1996
*Mr. Petru Pavel Gavrilescu		
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)	1994
*Mr. John Merrills		
Mr. Saïd Naceur Ramadhane	(Tunisia)	1996
*Mr. Abdelfettah Amor		
Mr. Gilberto Vergne Saboia	(Brazil)	1994
*Ms. Marílla S. Zelner Goncalves		
Mr. Rajindar Sachar	(India)	1994
Mr. Tian Jin	(China)	1994
*Mr. Zhan Daode		
Ms. Halima Embarek Warzazi	(Morocco)	1996
*Mr. Mohamed Benkaddour		
Mr. Fisseha Yimer	(Ethiopia)	1996

States Members of the United Nations represented by observers

Albania, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech and Slovak Federal Republic, Democratic People's Republic of Korea, Denmark, Dominica, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mauritania, Mauritius, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia.

Non-member States represented by observers

Holy See, Switzerland.

United Nations bodies

Centre for Social Development and Humanitarian Affairs - Crime Prevention and Criminal Justice Branch, United Nations High Commissioner for Refugees, United Nations Transitional Authority in Cambodia.

Specialized agencies

International Labour Office, World Health Organization, International Monetary Fund.

Intergovernmental organizations

Commission of the European Communities, Commonwealth Secretariat, International Organization for Migration, League of Arab States, Organization of African Unity.

National liberation movements

African National Congress, Palestine, Pan-Africanist Congress of Azania.

Other organizations

International Committee of the Red Cross.

Non-governmental organizations

Category I

International Alliance of Women - Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptimist International, Women's International Democratic Federation, World Assembly of Youth, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Category II

African Association of Education for Development, Afro-Asian Peoples' Solidarity Organization, All-India Women's Conference, American Association of Jurists, American Association of Retired Persons, Amnesty International, Andean Commission of Jurists, Anglican Consultative Council, Anti-Slavery International for the Protection of Human Rights, Arab Lawyers Union, Arab Organization for Human Rights, Asia Crime Prevention Foundation, Baha'i International Community, Baptist World Alliance, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Conference of European Churches, Coordinating Board of Jewish Organizations, Dayemi Complex Bangladesh, Defence for Children International, Development Innovations and Networks, Disabled Peoples' International, Federation of Associations of Former International Civil Servants, Four Directions Council, France-Libertés: Fondation Danielle Mitterrand, Friends World Committee for Consultation, General Arab Women Federation, Human Rights Advocates, Indigenous World Association, International Abolitionist Federation, International Alert, International Association against Torture, International Association for Religious Freedom, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Association of Penal Law, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council of Environmental Law, International Council of Jewish Women, International Council on Jewish Social and Welfare Services, International Federation of Human Rights, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Federation on Ageing, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Human Rights Law Group, International Indian Treaty Council, International Kolping Society, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of all Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Service for Human Rights, International Union of Lawyers, International Union of Students, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared

Detainees, Law Association for Asia and the Pacific (LAWASIA), Lawyers Committee for Human Rights, Liberal International, National Aboriginal and Islander Legal Service Secretariat, Pax Christi International, Pax Romana, Refugee Policy Group, Service Peace and Justice in Latin America, Sierra Club Legal Defense Fund, Union of Arab Jurists, Women's International League for Peace and Freedom, World Federalist Movement, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Movement of Mothers, World Society of Victimology, World Student Christian Federation, World University Service, World Young Women's Christian Association.

Roster

Article XIX: Centre Europe-Tiers Monde, Commonwealth Medical Association, Grand Council of the Crees (of Quebec), Habitat International Coalition, Indian Council of South America, International Educational Development, International Falcon Movement - Socialist Educational International, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Pedestrians, International Human Rights Internship Program, International Humanist and Ethical Union, International Peace Bureau, International PEN, International Progress Organization, International Romani Union, International Studies Association, Liberation, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Planetary Citizens, Survival International, Third World Movement against the Exploitation of Women, War Amputations of Canada, World Association for the School as an Instrument of Peace, World Organization against Torture, World Peace Council, World Press Freedom Committee.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FOURTH SESSION

1. In the context of its review of the 1992-1993 proposed programme budget (A/46/7), the Advisory Committee on Administrative and Budgetary Questions was informed by a representative of the Secretary-General that it was not the intention of the Secretariat to continue producing, in the future, statements of programme budget implications for perennial activities resulting from mandates of the Economic and Social Council, since provisions for such activities is included in the programme budget.

2. Accordingly, since all the activities proposed or approved by the Sub-Commission during the course of its forty-fourth session fall within the scope of perennial activities, no statements of programme budget implications were submitted.

Annex IV

A. LIST OF STUDIES AND REPORTS COMPLETED AT THE FORTY-FOURTH SESSION OF THE SUB-COMMISSION

Item	Title	Entrusted to	Legislative authority
4	Updated report on the right to freedom of opinion and expression	Mr. Louis Joinet and Mr. Danilo Türk	Sub-Commission resolution 1991/39
5 (b)	Annual updated list of banks, transnational corporations and other organizations assisting the racist regime of South Africa	Mr. Ahmed Khalifa	General Assembly resolution 45/84, Economic and Social Council resolution 1991/26, Sub-Commission resolution 1991/1
8	Final report on the realization of economic, social and cultural rights	Mr. Danilo Türk	Commission on Human Rights resolution 1991/18 and Sub-Commission resolution 1991/27
10	Final report on violations of human rights of staff members of the United Nations system	Ms. Mary Concepción Bautista	Sub-Commission resolution 1991/17
10	Updated report on the application of international standards concerning the human rights of detained juveniles	Ms. Mary Concepción Bautista	Sub-Commission resolution 1991/16
17	Progress report on human rights and youth	Mr. Dimitru Mazilu	Sub-Commission resolution 1991/20

B. LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
4	Elimination of harmful traditional practices affecting the health of women and children	Plan of action	Ms. Warzazi	ECOSOC decision 1992/251 Sub-Commission resolution 1991/23	Forty-first session of the Sub-Commission	The forty-fifth session of the Sub-Commission
4	Human rights and the environment	Second progress report	Ms. Ksentini	Sub-Commission resolution 1992/31 and draft decision 8*	Forty-fourth session of the Sub-Commission	Forty-sixth session of the Sub-Commission
4	The right to restitution, compensation and rehabilitation for victims of goss violations of human rights and fundamental freedoms	Final report	Mr. van Boven	Sub-Commission resolution 1992/32 and draft decision 9*	Forty-second session of the Sub-Commission	Forty-sixth session of the Sub-Commission
4	Problems and causes of discrimination against HIV-infected people or people with AIDS	Final report	Mr. Varela Quirós	Sub-Commission decision 1992/108 and draft decision 14*	Forty-second session of the Sub-Commission	Forty-fifth session of the Sub-Commission

Annex IV (continued)

4	Definition of gross and large-scale violations as an international crime	Working paper	Mr. Chernichenko	Sub-Commission decision 1992/109 and draft decision 15*	Forty-fifth session of the Sub-Commission	
5(b)	Transition to democracy in South Africa	Annual report	Ms. Attah	Sub-Commission resolution 1992/6 and draft resolution V*	Forty-fifth session of the Sub-Commission	
8	The right to adequate housing	First progress report	Mr. Sachar	Sub-Commision resolution 1992/26 and draft decision 6*	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human rights and extreme poverty	Prelimiary report	Mr. Despouy	Sub-Commission resolution 1992/27 and draft resolution VI*	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human rights dimensions of population transfer	Preliminary study	Messrs. Al-Khasawneh and Hatano	Sub-Commission resolution 1992/28 and draft decision 7*	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission

Annex IV (continued)

10	The right to a fair trial	Report	Messrs. Chernichenko and Treat	Sub-Commission resolution 1992/21 and draft decision 3*	Forty-second session of the Sub-Commission	Forty-sixth session of the Sub-Commission
10	List of countries which proclaim, extend or terminate a state of emergency	Annual updated report	Mr. Despouy	Sub-Commission resolution 1992/22 and draft decision 4*	Thirty-eighth session of the Sub-Commission	
10	The question of the impunity of perpetrators of violations of human rights	Preliminary report	Messrs. Guissé and Joinet	Sub-Commission resolution 1992/23 and draft reesolution IV*	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
10	Privatization of prisons	Outline of a possible study	Ms. Palley	Sub-Commission decision 1992/107 and draft decision 13*	Forty-fifth session of the Sub-Commission	
11	Practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession	Report	Mr. Joinet	Sub-Commission resolution 1992/38 and draft resolution VII*	Forty-second session of the Sub-Commission	Forty-fifth session of the Sub-Commission

Annex IV (continued)

14	Peace and security as an essential condition for enjoyment of human rights	Supplement to working paper	Mr. Bhandare	Sub-Commission resolution 1992/7	Forty-third session of the Sub-Commission	Forty-sixth session of the Sub-Commission
15	Measures to strengthen respect for the cultural property of indigenous peoples	Final study	Ms. Daes	Sub-Commission resolution 1992/35	Forty-third session of the Sub-Commission	Forty-fifth session of the Sub-Commission
15	Paragraphs of the draft declaration on indigenous rights	Further elaboration	Ms. Daes	Sub-Commission resolution 1992/33	Thirty-ninth session of the Sub-Commission	Forty-fifth session of the Sub-Commission
15	Treaties, agreements and other constructive agreements between States and indigenous peoples	Second progress report	Mr. Alfonso Martínez	Sub-Commission decision 1992/110	Forty-third session of the Sub-Commission	Forty-sixth session of the Sub-Commission
18	Possible ways and means of facilitating the peaceful solutions of problems involving minorities	Final report	Mr. Eide	Sub-Commission resolution 1992/37	Forty-third session of the Sub-Commission	Forty-fifth session of the Sub-Commission

*/ Subject to approval/endorsement by the Commission on Human Rights and/or the Economic and Social Council.

a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

Annex V

LIST OF DOCUMENTS ISSUED FOR THE FORTY-FOURTH SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1992/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1992/1/Add.1 and Corr.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1992/2		Not issued
E/CN.4/Sub.2/1992/3 and Add.1	3	Report of the inter-sessional Working Group on the methods of work of the Sub-Commission established pursuant to Commission on Human Rights resolution 1992/66
E/CN.4/Sub.2/1992/4	4	Note by the Secretary-General
E/CN.4/Sub.2/1992/5	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1992/6	4	Report submitted by the United Nations Educational, Scientific and Cultural Organization: UNESCO activities concerning prevention of discrimination and protection of minorities

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/7 and Add 1	4	Human rights and the environment: progress report prepared by Ms. Fatma Zohra Ksentini, Special Rapporteur, in accordance with Sub-Commission resolution 1991/24
E/CN.4/Sub.2/1992/8	4	Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: second progress report submitted by Mr. Theo van Boven, Special Rapporteur
E/CN.4/Sub.2/1992/9 and Add.1	4	The right to freedom of opinion and expression: final report by Mr. Danilo Türk and Mr. Louis Joinet, Special Rapporteurs
E/CN.4/Sub.2/1992/10	4	Discrimination against HIV-infected people or people with AIDS: final report submitted by Mr. Luis Varela Quirós, Special Rapporteur
E/CN.4/Sub.2/1992/11	5 (a)	Report of the Secretary-General
E/CN.4/Sub.2/1992/12 and Add.1	5 (b)	Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur
E/CN.4/Sub.2/1992/13	6	Note by the Secretary-General
E/CN.4/Sub.2/1992/14	6	Note by the Secretary-General

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/15	8	The right to adequate housing: working paper submitted by Mr. Rajindar Sachar, expert appointed pursuant to resolution 1991/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1992/16	8	Final report submitted by Mr Danilo Türk, Special Rapporteur
E/CN.4/Sub.2/1992/17	10 (a)	Note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974
E/CN.4/Sub.2/1992/18	10 (a)	The importance of measures to combat the practice of impunity for perpetrators of serious violations of human rights: working paper prepared by Mr. E.H. Guissé and Mr. L. Joinet
E/CN.4/Sub.2/1992/19	10 (a)	Protection of the human rights of United Nations staff members, experts and their families: final report prepared by Mrs. M.C. Bautista, Special Rapporteur
E/CN.4/Sub.2/1992/20	10 (a)	Application of international standards concerning the human rights of detained juveniles: report prepared by Mrs. M.C. Bautista, Special Rapporteur, pursuant to Sub-Commission resolution 1991/16

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/20/Add.1	10 (a)	Application of international standards concerning the human rights of detained juveniles: note by the Secretary-General submitted pursuant to Sub-Commission resolution 1991/16
E/CN.4/Sub.2/1992/21	10	Study of the issue of the privatization of prisons: working paper submitted by the Secretary-General
E/CN.4/Sub.2/1992/22	10 (a)	Report of the Working Group on Detention
E/CN.4/Sub.2/1992/23	10 (b)	Fifth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1992/24 and Add.1-3	10 (d)	The right to a fair trial: current recognition and measures necessary for its strengthening: third report prepared by Mr. Stanislav Chernichenko and Mr. William Treat
E/CN.4/Sub.2/1992/25 and Add.1	11	Report on the independence of the judiciary and the protection of practising lawyers, prepared by Mr. Louis Joinet pursuant to resolution 1991/35 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/26	12	Note by the Secretary-General
E/CN.4/Sub.2/1992/27 and Corr.1	13	Note by the Secretary-General
E/CN.4/Sub.2/1992/28	15	Draft declaration on the rights of indigenous peoples: revised working paper submitted by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/30 and Commission on Human Rights resolution 1992/44
E/CN.4/Sub.2/1992/29	15	Economic and social relations between indigenous peoples and States: report of the Secretary-General
E/CN.4/Sub.2/1992/30	15	Intellectual property of indigenous peoples: concise report of the Secretary-General
E/CN.4/Sub.2/1992/31 and Add.1	15	Report of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/32	15	Study on treaties, agreements and other constructive arrangements between States and indigenous populations: first progress report submitted by Mr. Miguel Alfonso Martínez, Special Rapporteur
E/CN.4/Sub.2/1992/33 and Add.1	15	Report of the Working Group on Indigenous Populations on its tenth session
E/CN.4/Sub.2/1992/34	16	Report of the Working Group on Contemporary Forms of Slavery on its seventeenth session
E/CN.4/Sub.2/1992/35 and Add. 1	16	The recruitment of children into governmental and non-governmental armed forces: updated report of the Secretary-General prepared pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/34
E/CN.4/Sub.2/1992/36	17 (a)	Human rights and youth: final report submitted by Mr. Dumitru Mazilu, Special Rapporteur
E/CN.4/Sub.2/1992/37 and Add.1 and 2	18	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: second progress report submitted by Mr. Asbjørn Eide, Special Rapporteur
E/CN.4/Sub.2/1992/38		Not issued

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/39	6	Letter dated 15 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1992/40	6	Letter dated 1 June 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1992/41	6, 7 and 8	Letter dated 6 June 1992 from the Ministry of Foreign Affairs of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1992/42	6	Letter dated 19 June 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1992/43	6	Letter dated 16 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1992/44	8	Letter dated 22 July 1992 from the Ministry of Foreign Affairs of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

Documents issued in the general series (continued)

E/CN.4/Sub.2/1992/45	6	Letter dated 31 July 1992 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
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E/CN.4/Sub.2/1992/L.23	6	Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Palley and Mr. Sachar: draft resolution

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E/CN.4/Sub.2/1992/L.24	10	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1992/L.25	4	Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer: draft resolution
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E/CN.4/Sub.2/1992/L.27	8	Ms. Chavez, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer: draft resolution

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E/CN.4/Sub.2/1992/L.28	10	Mr. Bossuyt, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Ms. Palley and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1992/L.29	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé and Ms. Palley: draft resolution
E/CN.4/Sub.2/1992/L.30	18	Mr. Bossuyt, Mr. Despouy, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Saboia, Mr. Tian and Mr. Yimer: draft resolution
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E/CN.4/Sub.2/1992/L.33	15	Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko, Ms.Daes and Mr. Hatano: draft resolution
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E/CN.4/Sub.2/1992/L.37	5	Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Joinet and Mr. Saboia: draft resolution
E/CN.4/Sub.2/1992/L.38	10	Mr. Boutkevitch, Mr. Despouy, Mr. Guissé and Mr. Hakim: draft decision
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E/CN.4/Sub.2/1992/L.40	8	Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Maxim, Ms. Palley, Mr. Sachar, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1992/L.41	6	Mr. Guissé, Mr. Khalil, Mr. Maxim and Ms. Palley: draft resolution
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E/CN.4/Sub.2/1992/L.44	6	Mr. Eide and Ms. Palley: draft resolution
E/CN.4/Sub.2/1992/L.45	4	Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim and Ms. Palley: draft resolution
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E/CN.4/Sub.2/1992/L.48	8	Mr. Al-Khasawneh, Ms. Forero Ucros, Mr. Khalifa, Mr. Maxim, Mr. Saboia and Mr. Sachar: draft resolution

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Symbol	Agenda item	
E/CN.4/Sub.2/1992/NGO/1	5 (a)	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/2	8	Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/3	8	Written statement submitted by the International Federation for the Protection of Ethnic, Religious, Linguistic and other Minorities, a non-governmental organization on the Roster
E/CN.4/Sub.2/1992/NGO/4	6	Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster
E/CN.4/Sub.2/1992/NGO/5	8	Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster
E/CN.4/Sub.2/1992/NGO/6	6	Written statement submitted by Habitat International Coalition, a non-governmental organization on the roster

Documents issued in the non-governmental organizations series (issued in English, French and Spanish only) (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1992/NGO/7	8	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/8	4 and 6	Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster
E/CN.4/Sub.2/1992/NGO/9	4	Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/10	4	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II), in conjunction with the Natural Heritage Institute
E/CN.4/Sub.2/1992/NGO/11	10 and 11	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

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Symbol	Agenda item	
E/CN.4/Sub.2/1992/NGO/12	10	Written communication submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/13	6 and 10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/14	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/15	8	Written statement submitted by the International Federation Terres des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/16	17	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

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E/CN.4/Sub.2/1992/NGO/17	18	Written statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/18	4	Written statement submitted by the Sierra Club Legal Defense Fund, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/19	6	Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/20	10 (a)	Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I), by the American Association of Jurists, Andean Commission of Jurists - Colombian Section, Arab Lawyers Union, Arab Organization for Human Rights, Commission for the Defence of Human Rights in Central America, Commission of the Churches on International Affairs of the World Council of Churches, Defence for Children International, Human Rights Advocates, International

Documents issued in the non-governmental organizations series (issued in English, French and Spanish only) (continued)

Symbol	Agenda item	
		Association of Democratic Lawyers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Service for Human Rights, Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi International, Pax Romana, Service Justice and Peace in Latin America, Union of Arab Jurists, Women's International League for Peace and Freedom, World Association of Former United Nations Interns and Fellows and World University Service, non-governmental organizations in consultative status (category II) and by the Movement against Racism and for Friendship among Peoples, World Organization against Torture and World Social Prospects association, non-governmental organizations on the Roster

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Symbol	Agenda item	
E/CN.4/Sub.2/1992/NGO/21	6	Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/22	5 (a)	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/23	6	Written statement submitted by World Federation of Trade Unions, a non-governmental organization in consultative status (category I), by the American Association of Jurists, International Fellowship of Reconciliation, International League for the Rights and Liberation of Peoples, Pax ChristiInternational and Pax Romana, non-governmental organizations in consultative status (category II) and by Centre Europe-Tiers Monde, a non-governmental organization on the Roster

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Symbol	Agenda item	
E/CN.4/Sub.2/1992/NGO/24	15	Written statement submitted by International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1992/NGO/25	7 and 8	Joint written statement submitted by the Women's International Democratic Federation, non-governmental organization in consultative status (category I), by the American Association of Jurists, General Arab Women Federation, International Association of Democratic Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Federation of Associations of Relatives of Disappeared Detainees, Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), by International Educational Development, International Progress Organization, Movement against Racism and

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Symbol	Agenda item	
		for Friendship among Peoples and World Peace Council, non-governmental organizations on the Roster
E/CN.4/Sub.2/1992/NGO/26	4	Written statement submitted by Liberation, a non-governmental organization in consultative status on the Roster
E/CN.4/Sub.2/1992/NGO/27	18	Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)
